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Musical Diversity
Looking Back - Looking Forward

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2010 European Forum on Music. Musical Diversity: Looking Back – Looking Forward

General

1. UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005)
2. European Agenda for Culture in a Globalising World (EU Commission 2007)
3. Europe 2020 Strategy (EU Commission 2010)

Arts Education

4. EFMET Recommendations (EMC 2004)
5. Mix It! Recommendations (EMC 2006)
6. UNESCO Road Map for Arts Education (UNESCO 2006)
7. Culture Counts: A European contribution to the Seoul conference (2009)
8. Recommendations of the European Parliament and of the Council on: Key competences for lifelong learning (2006)
9. Eurydice: Arts and Cultural Education at School in Europe (EU Commission 2009)
10. Platform Access to Culture Recommendations (shortened) 2009
11. Working Group on developing synergies with education, especially arts education (working group of the member states in the frame of the Open method of coordination, OMC working group) (2009)

Digital Environment

12. Commission Recommendations on collective cross-border management of copyright and related rights for legitimate online music services (2005)
13. KEA Study: The Economy of Culture, executive summary (2006)
14. Monitoring report of the 2005 music online recommendation (2008)
15. Green Paper: Copyright in the Knowledge Economy (European Commission 2008)
16. Draft report on defining a new Digital Agenda for Europe (European Parliament 2009)
17. KEA Study: The impact of Culture on Creativity, executive summary (2009)
18. Platform Creative Industries, Recommendations (2009)
19. OMC – Expert Working Group on maximising the potential of Cultural and Creative Industries, in particular that of SMEs (2009)

Other

20. Rainbow Paper (2008)
21. ExTra! Recommendations (EMC 2009)
22. Visas – the discordant note (Freemuse, European Council of Artists, European Life Music Forum, 2008)

General



**CONVENTION ON THE PROTECTION AND PROMOTION
OF THE DIVERSITY OF CULTURAL EXPRESSIONS**

Paris, 20 October 2005

CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

Affirming that cultural diversity is a defining characteristic of humanity,

Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

Being aware that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

Celebrating the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

Emphasizing the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

Taking into account that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

Recognizing the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

Emphasizing the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,

Being aware that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

Reaffirming that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

Recognizing that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

Recalling that linguistic diversity is a fundamental element of cultural diversity, and *reaffirming* the fundamental role that education plays in the protection and promotion of cultural expressions,

Taking into account the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

Emphasizing the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

Recognizing the importance of intellectual property rights in sustaining those involved in cultural creativity,

Being convinced that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

Noting that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

Being aware of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Referring to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

Adopts this Convention on 20 October 2005.

I. Objectives and guiding principles

Article 1 – Objectives

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;

- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

Article 2 – Guiding principles

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

II. Scope of application

Article 3 – Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

III. Definitions

Article 4 – Definitions

For the purposes of this Convention, it is understood that:

1. Cultural diversity

“Cultural diversity” refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.

Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

2. **Cultural content**

“Cultural content” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

3. **Cultural expressions**

“Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

4. **Cultural activities, goods and services**

“Cultural activities, goods and services” refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

5. **Cultural industries**

“Cultural industries” refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

6. **Cultural policies and measures**

“Cultural policies and measures” refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

7. **Protection**

“Protection” means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.

“Protect” means to adopt such measures.

8. **Interculturality**

“Interculturality” refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

IV. Rights and obligations of Parties

Article 5 – General rule regarding rights and obligations

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.
2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

Article 6 – Rights of parties at the national level

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.
2. Such measures may include the following:
 - (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
 - (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
 - (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
 - (d) measures aimed at providing public financial assistance;
 - (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
 - (f) measures aimed at establishing and supporting public institutions, as appropriate;
 - (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;
 - (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

Article 7 – Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:
 - (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;
 - (b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.
2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

Article 8 – Measures to protect cultural expressions

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.
2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.
3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

Article 9 – Information sharing and transparency

Parties shall:

- (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;
- (b) designate a point of contact responsible for information sharing in relation to this Convention;
- (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

Article 10 – Education and public awareness

Parties shall:

- (a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes;

- (b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;
- (c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

Article 11 – Participation of civil society

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

Article 12 – Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

- (a) facilitate dialogue among Parties on cultural policy;
- (b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;
- (c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;
- (d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;
- (e) encourage the conclusion of co-production and co-distribution agreements.

Article 13 – Integration of culture in sustainable development

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

Article 14 – Cooperation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

- (a) the strengthening of the cultural industries in developing countries through:
 - (i) creating and strengthening cultural production and distribution capacities in developing countries;
 - (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
 - (iii) enabling the emergence of viable local and regional markets;
 - (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;
 - (v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
 - (vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;
- (b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;
- (c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;
- (d) financial support through:
 - (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
 - (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
 - (iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

Article 15 – Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Article 16 – Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

Article 17 – International cooperation in situations of serious threat to cultural expressions

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

Article 18 – International Fund for Cultural Diversity

1. An International Fund for Cultural Diversity, hereinafter referred to as “the Fund”, is hereby established.
2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.
3. The resources of the Fund shall consist of:
 - (a) voluntary contributions made by Parties;
 - (b) funds appropriated for this purpose by the General Conference of UNESCO;
 - (c) contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;
 - (d) any interest due on resources of the Fund;
 - (e) funds raised through collections and receipts from events organized for the benefit of the Fund;
 - (f) any other resources authorized by the Fund’s regulations.
4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.
5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.
6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.
7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

Article 19 – Exchange, analysis and dissemination of information

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.
2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.
3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.
4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.
5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

V. Relationship to other instruments

Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,
 - (a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and
 - (b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.
2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

Article 21 – International consultation and coordination

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

VI. Organs of the Convention

Article 22 – Conference of Parties

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.
2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of UNESCO. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.
3. The Conference of Parties shall adopt its own rules of procedure.
4. The functions of the Conference of Parties shall be, *inter alia*:
 - (a) to elect the Members of the Intergovernmental Committee;
 - (b) to receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;
 - (c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;
 - (d) to take whatever other measures it may consider necessary to further the objectives of this Convention.

Article 23 – Intergovernmental Committee

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as “the Intergovernmental Committee”, shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.
2. The Intergovernmental Committee shall meet annually.
3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.
4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.
5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.
6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:
 - (a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;

- (b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;
- (c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;
- (d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;
- (e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;
- (f) to perform any other tasks as may be requested by the Conference of Parties.

7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.

8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

Article 24 – UNESCO Secretariat

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.
2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

VII. Final clauses

Article 25 – Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.

4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

Article 26 – Ratification, acceptance, approval or accession by Member States

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 27 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:

(a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;

(b) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;

(c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:

- (i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;
 - (ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;
- (d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;
- (e) “Regional economic integration organization” means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.

4. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 28 – Point of contact

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

Article 29 – Entry into force

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

Article 30 – Federal or non-unitary constitutional systems

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power,

the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

- (b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 31 – Denunciation

1. Any Party to this Convention may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.
3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

Article 32 – Depositary functions

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

Article 33 – Amendments

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.
4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

- (a) Party to this Convention as so amended; and
- (b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

Article 34 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

Article 35 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

ANNEX

Conciliation Procedure

Article 1 – Conciliation Commission

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2 – Members of the Commission

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3 – Appointments

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

Article 4 – President of the Commission

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two-month period.

Article 5 – Decisions

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

Article 6 – Disagreement

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.



COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(2007) 242 final

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE
REGIONS**

on a European agenda for culture in a globalizing world

{SEC(2007) 570}

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN
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on a European agenda for culture in a globalizing world

"Culture is all the dreams and labour tending towards forging humanity. Culture requests a paradoxical pact: diversity must be the principle of unity, taking stock of differences is necessary not to divide, but to enrich culture even more. Europe is a culture or it is not."
Denis de Rougemont

1. INTRODUCTION

Culture lies at the heart of human development and civilisation. Culture is what makes people hope and dream, by stimulating our senses and offering new ways of looking at reality. It is what brings people together, by stirring dialogue and arousing passions, in a way that unites rather than divides. Culture should be regarded as a set of distinctive spiritual and material traits that characterize a society and social group. It embraces literature and arts as well as ways of life, value systems, traditions and beliefs.

As Dario Fo rightly pointed out, *"even before Europe was united in an economic level or was conceived at the level of economic interests and trade, it was culture that united all the countries of Europe. The arts, literature, music are the connecting link of Europe"*. Indeed, Europeans share a common cultural heritage, which is the result of centuries of creativity, migratory flows and exchanges. They also enjoy and value a rich cultural and linguistic diversity, which is inspiring and has inspired many countries across the world.

The originality and success of the European Union is in its ability to respect Member States' varied and intertwined history, languages and cultures, while forging common understanding and rules which have guaranteed peace, stability, prosperity and solidarity - and with them, a huge richness of cultural heritage and creativity to which successive enlargements have added more and more. Through this unity in diversity, respect for cultural and linguistic diversity and promotion of a common cultural heritage lies at the very heart of the European project. This is more than ever indispensable in a globalizing world.

In today's Europe, cultural exchanges are as lively and vibrant as ever. The freedom of movement provided for by the EC Treaty has greatly facilitated cultural exchanges and dialogue across borders. Cultural activities and the demand for cultural goods are spreading, with unprecedented access thanks to new communication tools. At the same time, globalisation has increased the exposure to more diverse cultures from across the world. This has heightened our curiosity and capacity to exchange with and benefit from other cultures, and contributed to the diversity of our societies. However, this has also raised questions about Europe's identity and its ability to ensure intercultural, cohesive societies.

World-wide, cultural diversity and intercultural dialogue have become major challenges for a global order based on peace, mutual understanding and respect for shared values, such as the protection and promotion of human rights and the protection of languages. In this respect, the entry into force of the UNESCO Convention on the protection and promotion of the diversity

of cultural expressions on 18 March 2007 is to be seen as a fundamental step, to which the EU has greatly contributed.

Europe's cultural richness and diversity is closely linked to its role and influence in the world. The European Union is not just an economic process or a trading power, it is already widely - and accurately - perceived as an unprecedented and successful social and cultural project. The EU is, and must aspire to become even more, an example of a "soft power" founded on norms and values such as human dignity, solidarity, tolerance, freedom of expression, respect for diversity and intercultural dialogue, values which, provided they are upheld and promoted, can be of inspiration for the world of tomorrow.

Europe's cultural richness based on its diversity is also, and increasingly so, an important asset in an immaterial and knowledge-based world. The European cultural sector is already a very dynamic trigger of economic activities and jobs throughout the EU territory. Cultural activities also help promoting an inclusive society and contribute to preventing and reducing poverty and social exclusion. As was recognised by the conclusions of the 2007 Spring European Council, creative entrepreneurs and a vibrant cultural industry are a unique source of innovation for the future. This potential must be recognised even more and fully tapped.

Purpose of the Communication

Awareness is growing that the EU has a unique role to play in promoting its cultural richness and diversity, both within Europe and world-wide. There is also acknowledgement that culture is an indispensable feature to achieve the EU's strategic objectives of prosperity, solidarity and security, while ensuring a stronger presence on the international scene.

Based on extensive consultations¹, this Communication explores the relationship between culture and Europe in a globalizing world and proposes objectives for a new EU agenda for culture. This agenda is to be shared by all stakeholders (the Commission, Member States and involving civil society and the European Parliament). The Commission therefore also seeks to establish new partnerships and methods for cooperation between them.

2. THE CONTRIBUTION OF THE EU TO CULTURE²

'Culture' is generally recognised as complex to define. It can refer to the fine arts, including a variety of works of art, cultural goods and services. 'Culture' also has an anthropological meaning. It is the basis for a symbolic world of meanings, beliefs, values, traditions which are expressed in language, art, religion and myths. As such, it plays a fundamental role in human development and in the complex fabric of the identities and habits of individuals and communities.

In the context of this Communication, the main focus will be on the importance of the various facets of culture in developing strategies both within the EU and with third countries.

¹ See http://ec.europa.eu/culture/eac/communication/consult_en.html and http://ec.europa.eu/development/body/theme/human_social/pol_culture1_en.htm

² For further details, see the annexed staff working paper "Inventory of Community actions in the field of culture".

The basis for the action of the EU in the field of culture lies in the Treaty. Article 151 states that:

"The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common heritage to the fore."

"Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action"

"The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe."

"The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures."

Culture is and will therefore primarily remain a responsibility of Member States; in some countries it is largely dealt with at the regional or even local level. Article 151 does not provide, for example, for harmonisation of the laws and regulations of the Member States. Action at EU level is to be undertaken in full respect of the principle of subsidiarity, with the role of the EU being to support and complement, rather than to replace, the actions of the Member States, by respecting their diversity and stimulating exchanges, dialogue and mutual understanding.

2.1. The role of the EU's internal policies and programmes

The EU already contributes to promoting cultural activities in Europe through its programmes and policies in many ways:

- The Community's culture programmes have been very productive. The present Culture Programme (2007-2013)³ will go further in facilitating mutual understanding, stimulating creativity, and contributing to the mutual enrichment of our cultures. It will help thousands of cultural organisations to create and implement cultural and artistic projects improving the knowledge and dissemination of European cultural heritage, promoting cultural exchanges, artistic and literary creation, and literary translation. It will also support bodies active at European level in the field of culture and give recognition to major European cultural achievements through European prizes in architecture, cultural heritage and music as well as European Capitals of Culture.
- Many other programmes have a huge positive impact on culture either through specific cultural projects, the use of foreign languages which they promote, the close link between learning and culture or the personal cultural experiences they stimulate: among these programmes are "Europe for Citizens" (2007-2013)⁴,

³ Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 (OJ L 372, 27.12.2006).

⁴ Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 (OJ L 378, 27.12.2006).

which is also based on the culture article of the Treaty and promotes active European citizenship as well as programmes supporting lifelong learning (including Erasmus and Erasmus Mundus), multilingualism and exchanges of young people.

- In the cinema and audiovisual sector, the MEDIA programme⁵, in place since 1991, promotes the competitiveness of the European audiovisual industry. It is also designed to promote intercultural dialogue, increase mutual awareness amongst European cultures and develop cultural potential. Furthermore, a Recommendation on film heritage and the competitiveness of related industrial activities was adopted on 16 November 2005 setting out concrete actions in the field of film heritage.
- A range of other Community funding programmes make an important contribution to culture. Support offered by the Cohesion policy or rural development policy can be instrumental in promoting, for example, the restoration of cultural heritage and the promotion of creative industries in view of enhancing the attractiveness of regions or supporting the training of cultural professionals. This is also the case for information society development (e.g. the Digital Libraries Initiative which aims at making Europe's diverse cultural and scientific heritage easier to access online) or research (with the Research Framework Programmes).

A number of Community policies also play an important role in shaping the regulatory framework for the cultural sector.

For the Community's action under Article 151(4) of the Treaty, the challenge is often to strike the right balance between different legitimate public policy objectives, including the promotion of cultural diversity.

- There is a strong link between the promotion of culture and creativity and EU copyright and related rights legislation. This legislation protects the rights of authors, producers and artists to ensure they receive adequate revenue for their works while allowing a wide dissemination of protected works or phonograms, thereby promoting citizens' access to Europe's rich and diverse cultural heritage.
- The "Television without Frontiers" Directive, adopted in 1989, by setting the conditions for the transmission across borders of TV broadcasts within the European internal market, has created a legal framework for the free circulation of European audiovisual content within the EU. This has contributed significantly to the strengthening of media pluralism and cultural diversity. In this context, cultural diversity is also fostered through promotion measures for European and independent productions.

⁵ Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 (OJ L 327, 24.11.2006).

- In state aid, following the introduction of Article 87(3)(d)⁶ by the Maastricht Treaty, cultural considerations play a role. Under this provision the Commission has in the past approved a wide range of national measures which have benefited such diverse areas as museums, national heritage, theatre and music-productions, printed cultural media, and the cinematographic and audiovisual sector.
- The EU has designated 2008 the European Year of Intercultural Dialogue⁷ to give expression and a high profile to best practices and processes of intercultural dialogue aiming at establishing a sustainable strategy beyond 2008. Particular attention will be paid to the multilingual dimension of this dialogue.
- Finally, on the basis of existing Community funding programmes, the Commission wishes to make 2009 a European Year of Creativity and Innovation through education and culture in order to raise public awareness, promote policy debate within Member States, and contribute to fostering creativity, innovation and intercultural competences.

In recent years, Member States have explored new forms of flexible cooperation in order to work together more closely in the pursuit of shared objectives. The Council has agreed on a multi-annual work plan for the period 2005-2007⁸ and flexible forms of cooperation on specific topics, such as the mobility of museum collections, have developed. Regular ministerial conferences have also contributed to exchanges of best practices and dialogue on policies.

The European Parliament has regularly called for strengthened cooperation in its reports and recommendations⁹. Furthermore, the European Economic and Social Committee and the Committee of the Regions have underlined the role of organised civil society and of local and regional authorities.

These experiences, combined with the results of the broad consultation processes undertaken in preparing this Communication, have led the Commission to the conclusion that the time is now ripe to develop a common cultural agenda and new partnerships and methods for cooperation with Member States, civil society and third countries.

2.2. EU's external relations

Culture is recognized as an important part of the EU's main cooperation programmes and instruments¹⁰, and in the Union's bilateral agreements with third countries. It is also a key element of the co-operation developed with the Council of Europe, which has allowed the joint implementation of the European Heritage Days as well as some actions in the Western Balkans.

⁶ 'Aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest, may be considered to be compatible with the common market'.

⁷ Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 (OJ L 412, 30.12.2006).

⁸ Conclusions of the 2616th Council meeting Education, Youth and Culture, 15-16 November 2004.

⁹ Ref. Report on cultural cooperation in the European Union – Giorgio Ruffolo - A5-0281/2001.

¹⁰ Such as the Cotonou Agreement with the African, Caribbean and Pacific States, the Neighbourhood and Partnership Programme with neighbouring countries and Russia, and the Development and Cooperation instrument concerning Asia and Central and Latin America.

A wide variety of cultural projects and programmes have been implemented for many years as part of the Union's financial and technical assistance across all developing regions of the world. These cultural actions target the preservation and restoration of heritage sites, the production and circulation of works of art, the creation or restoration of museums, the local capacity-building of cultural operators and artists and the organisation of major cultural events. The Commission also runs funds and actions to support the emergence and strengthening of cultural industries, in particular the cinema and audiovisual sector, in partner countries, as well as promote local access to culture and cultural diversity in third countries.

In close connection with this, the Union has increasingly focused on promoting support for human rights, including the protection and promotion of cultural rights, the rights of indigenous peoples as well as the rights of persons belonging to minorities and socially marginalized people.

Intercultural dialogue as one of the main instruments of peace and conflict prevention is obviously among the basic objectives of such actions. Priority actions in that direction were launched under the impetus of a consultative group set up by the Commission's President, which also led *inter alia* to the setting-up, in Alexandria, of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, and the creation of specific debate on culture within the political dialogues with many third countries.

The Commission has also recently begun to reinforce its public diplomacy, including cultural events, often involving cooperation with and among Member States' cultural institutions to convey important messages in third countries about Europe, its identity and its experience of building bridges between different cultures.

On a more general level, the Commission has tabled multi-annual thematic programmes under the financial perspectives 2007-2013 in order to finance Community interventions in developing countries and regions, on the one hand, and at international level, on the other hand. The thematic programmes "Investing in People" and "Non-state Actors and Local Authorities in Development" are available to complement geographical cooperation through the country strategy papers in the field of culture. Recent opinion polls clearly show that, under the pressure of globalization, the great majority of Europe's citizens – led by the Heads of State and Government in June 2006¹¹ – want Europe to be more present in the world, with an external policy which well reflects its values. Culture is of course central to this multilateral, consensus-building approach.

The rapid entry into force of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions illustrates the new role of cultural diversity at international level: as parties, the Community and its Member States have committed themselves to strengthen a new cultural pillar of global governance and sustainable development, notably through enhancing international cooperation.

3. OBJECTIVES FOR A EUROPEAN AGENDA FOR CULTURE

The extensive consultation process carried out in 2006 has enabled the Commission to identify a strong consensus for a new EU agenda for culture, so as to build on past

¹¹ When the European Council approved the Commission's proposal 'Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility' – COM(2006) 278.

achievements and reinforce on-going activities. This would be built on three interrelated sets of objectives:

- promotion of cultural diversity and intercultural dialogue;
- promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs;
- promotion of culture as a vital element in the Union's international relations.

These objectives would guide EU action in the future. Each actor would be called upon to contribute, in full respect of the principle of subsidiarity:

- for the Member States and their regions, this would mean further developing their policies in these areas with reference to common objectives and an endeavour to steer joint activities *inter alia* through an open method of coordination and exploring opportunities offered by EU funding;
- for stakeholders in the field of culture, such as professional organisations, cultural institutions, non-governmental organisations, European networks, foundations, etc., this would mean a close engagement in dialogue with EU institutions and support for the development of new EU policies and actions, as well as developing dialogue among themselves;
- for the Commission, this would mean mobilising its internal and external policies, Community funding programmes, as well as a renewed role of animation, exchange of good practice and dialogue with the full range of actors;
- for all actors, this would mean a renewed sense of partnership and ownership of EU action to achieve these objectives.

The following section explains each of these broad objectives in greater detail.

3.1. Cultural diversity and intercultural dialogue

"It is art that can structure the personalities of young people with a view to open their minds, to instil the respect of others and the desire of peace." Yehudi Menuhin

The flowering of the cultures of the Member States in respect of their national and regional diversity is an important EU objective assigned by the EC Treaty. In order to simultaneously bring our common heritage to the fore and recognise the contribution of all cultures present in our societies, cultural diversity needs to be nurtured in a context of openness and exchanges between different cultures. As we live in increasingly multicultural societies, we need therefore to promote intercultural dialogue and intercultural competences. These are also essential in the context of a global economy with regard to enhancing the employability, adaptability and mobility of artists and workers in the cultural sector as well as the mobility of works of art. As citizens are among the main beneficiaries of developing cultural diversity, we need to facilitate their access to culture and cultural works.

The following specific objectives should be addressed:

- Promote the mobility of artists and professionals in the cultural field and the circulation of all artistic expressions beyond national borders:
 - mobilise public and private resources in favour of the mobility of artists and workers in the cultural sector within the EU;
 - promote the mobility of works of art and other artistic expressions;
 - improve European coordination for aspects affecting mobility of cultural workers within the EU in order to take into account the needs resulting from short term and frequent mobility between Member States.
- Promote and strengthen intercultural competences and intercultural dialogue, in particular by developing 'cultural awareness and expression', 'social and civic competences' and 'communication in foreign languages', which are part of the key competences for lifelong learning identified by the European Parliament and Council in 2006¹².

3.2. Culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs

"Intelligence is programmed for the creation of differences." Francesco Alberoni

Cultural industries and the creative sector are substantially contributing to European GDP, growth and employment. As an illustration, a recent independent study carried out for the Commission estimated that more than 5 million people worked in 2004 for the cultural sector, equivalent to 3.1% of total employed population in EU-25. The cultural sector contributed around 2.6% to the EU GDP in 2003, with growth significantly higher than that of the economy in general between 1999 and 2003¹³. These industries and the creativity which they generate are an essential asset for Europe's economy and competitiveness in a context of globalisation.

The role of culture in supporting and fostering creativity and innovation must be explored and promoted. Creativity is the basis for social and technological innovation, and therefore an important driver of growth, competitiveness and jobs in the EU.

The following specific objectives should be addressed:

- Promote creativity in education by involving the cultural sector in building on the potential of culture as a concrete input/tool for life-long learning and promoting culture and arts in informal and formal education (including language learning).
- Promote capacity building in the cultural sector by supporting the training of the cultural sector in managerial competences, entrepreneurship, knowledge of the European dimension/market activities and developing innovative sources of funding, including sponsorship, and improved access to them.

¹² Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

¹³ See study on the Economy of Culture in Europe, conducted by KEA for the European Commission, 2006, at http://ec.europa.eu/culture/eac/sources_info/studies/studies_en.html.

- Develop creative partnerships between the cultural sector and other sectors (ICTs, research, tourism, social partners, etc) to reinforce the social and economic impact of investments in culture and creativity, in particular with regard to the promotion of growth and jobs and the development and attractiveness of regions and cities.

3.3. Culture as a vital element in international relations

"Any culture is born in mixing, in interaction, in confrontation. Conversely, it is in isolation that civilization dies." Octavio Paz

As parties to the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, the Community and the Member States have reaffirmed their commitment to developing a new and more pro-active cultural role for Europe in the context of Europe's international relations and to integrating the cultural dimension as a vital element in Europe's dealings with partner countries and regions. This should help promoting knowledge of and understanding for Europe's cultures throughout the world.

To achieve this integration it is crucial to develop active inter-cultural dialogue with all countries and all regions, taking advantage for example of Europe's language links with many countries. In this context, it is also important to promote the richness of cultural diversity of our partners, to serve local identities, to promote access to culture of local populations and develop an economic resource which can have a direct impact on socio-economic development.

Bearing that in mind, the EU will follow a 'twin-track' approach, consisting of:

- the systematic integration of the cultural dimension and different components of culture in all external and development policies, projects and programmes - as a means of strengthening the quality of its diplomatic efforts, and the viability and sustainability of all EU cooperation activities; and
- support for specific cultural actions and events – Culture is a resource in its own right, and access to culture should be considered as a priority in development policies.

The following specific objectives should be addressed:

- to further develop political dialogue with all countries and regions in the field of culture and promote cultural exchanges between the EU and third countries and regions;
- to promote market access, both to European and other markets, for cultural goods and services from developing countries through targeted actions as well as through agreements that grant preferential treatment or trade-related assistance measures;
- to use its external and development policies to protect and promote cultural diversity through financial and technical support for, on the one hand, the preservation of and access to cultural heritage and, on the other, the active encouragement and promotion of cultural activities across the world;

- to ensure that all its cooperation programmes and projects take full account, in their design and their implementation, of local culture and contribute to increase people's access to culture and to the means of cultural expression, including people-to-people contacts. Especially important is education, including advocacy for the integration of culture in education curricula at all levels in developing countries;
- to promote the active involvement of the EU in the work of international organisations dealing with culture, and in the United Nations 'Alliance of Civilisations' process.

4. NEW PARTNERSHIPS AND WORKING METHODS

In order to deliver its agenda for culture, Europe must rely on a solid partnership between all actors, which has four essential dimensions.

4.1. Further developing dialogue with the cultural sector

The Commission is committed to pursuing a structured dialogue with the sector, which would provide a framework for the regular exchange of views and best practices, input into the policy-making process, follow-up and evaluation.

For reasons of legitimacy, the cultural sector should continue organising itself as far as possible in order to permit the identification of representative interlocutors. The Commission welcomes the progressive structuring already taking place with the emergence of some representative organisations as well as some cooperation structures such as a civil society platform on intercultural dialogue.

The Commission recognises, however, the special characteristics of the sector, notably its heterogeneity (professional organisations, cultural institutions with different degrees of independence, non-governmental organisations, European and non EU networks, foundations, etc), as well as the lack of communication in the past between the cultural industries and other cultural actors, and the challenges which this poses with regard to greater structuring of the sector. The effect of this has been to diminish the voice of the cultural sector at the European level.

With a view to developing a better dialogue between the Commission and these different actors, the Commission proposes the following steps:

- to undertake a mapping of the sector in order to identify and better understand the full range of its stakeholders;
- to set up a "Cultural Forum" for consulting stakeholders and to foster the emergence of a self-structuring platform or a set of stakeholder platforms;
- to encourage the expression of representative views by individual artists and intellectuals at the European level ("cultural ambassadors"), including exploring the opportunity and feasibility of an on-line virtual European forum allowing for the exchange of views, artistic expression and reaching out to citizens;

- to encourage social partners in the cultural sectors to further develop their autonomous social dialogue under Articles 138 and 139 of the Treaty. On this basis, sectoral social dialogue committees already exist for the live performing arts and the audiovisual sector;
- to bring a cultural dimension to European public debates by using the representations of the Commission. Putting culture at the centre stage will enhance dialogue and reach out to new audiences.

4.2. Setting up an open method of coordination

As mentioned earlier, the Member States adopted a joint work plan in the Council for 2005-2007. The work plan now needs to be renewed and the Commission believes that the time is ripe for Member States to take their cooperation one step further, by using the open method of coordination (OMC) as a mechanism to do so, in a spirit of partnership.

The OMC offers an appropriate framework for cooperation in the field of culture between the Member States. It is a non-binding, intergovernmental framework for policy exchange and concerted action suitable for a field such as this, where competence remains very much at Member State level. It consists of agreeing common objectives, regularly following up progress towards them and exchanging best practice and relevant data in order to foster mutual learning.

OMC exist in the fields of employment, social protection, education and youth. The OMC in these areas have helped to strengthen Member States' policy making, as regular participation in a European process raises the profile of these policies at the national level and creates an additional stimulus for them. It also enables Member States to learn from one another. And it allows the actors in these policy fields to have a voice at the European level which they would not otherwise have.

It is essential, however, for the special features of the cultural sector to be fully taken into account in the design of an OMC in this area. In a spirit of partnership with Member States, this implies adopting a flexible approach, entailing the setting of general objectives with a light regular reporting system.

The Commission proposes that acting on the basis of this Communication, the Council of Ministers endorses the objectives suggested above, setting priorities and agreeing on a biennial follow-up exercise. As part of this exercise, the Commission would draft a joint report with high level representatives of Member States every two years summarising main issues and trends and discussing progress across Member States with regard to the common objectives.

Member States would be encouraged to fully associate local and regional authorities and national cultural stakeholders in the follow-up process and to describe in their national reports how they have been involved. At EU level, the Commission would involve stakeholders in the process through the Cultural Forum indicated above. In the year preceding the publication of the report, the Commission would organise a meeting in order to gather inputs from civil society.

The European Parliament, the European Economic and Social Committee and the Committee of the Regions should be involved in the process.

In pursuing the objectives of external relations, the relevant external EU framework, including the Foreign Affairs Ministers, would be involved as appropriate. The Commission would seek, together with the Member States, to increase EU-wide coordination of activities regarding cultural cooperation. This would include the identification and exchange of best practices. The preparation of Country Strategy Papers and Joint Assistance Strategies would continue to be a focus for enhanced coordination and harmonisation efforts.

4.3. Supporting evidence-based policy-making

The Commission will play a supporting and coordinating role, where appropriate, in relation to each of the above objectives and the proposed OMC.

The pursuit of the above objectives implies improving understanding of the contribution of the cultural sector to the Lisbon agenda in order to facilitate evidence-based policy. It involves sharing existing data, case studies, cooperation on evaluation and impact analysis methodologies. However it also requires reviewing and, where necessary, improving national statistical information and ensuring better comparability of national statistics, coordinated by Eurostat.

In this context, the Commission will launch a series of studies and inter-service cooperation, to support the proposed objectives and evidence-based policy-making and actions. It will stimulate the networking of actors involved in impact assessment and cultural policy evaluation at European, national, regional or local level.

4.4. Mainstreaming culture in all relevant policies

Article 151(4) of the EC Treaty calls on the Community to take cultural aspects into account in its action under the other provisions of the Treaty, in particular in order to respect and promote the diversity of its cultures.

To better serve this task, the Commission shall strengthen its internal inter-service coordination and deepen its analysis of the interface between cultural diversity and other Community policies in order to strike the right balance between different legitimate public policy objectives, including the promotion of cultural diversity, when making decisions or proposals of a regulatory or financial nature. For example, the Commission has recently created a new inter-service group to this effect.

With regard to the external dimension, particular attention is paid to multi- and intercultural and inter-religious dialogue, promoting understanding between the EU and international partners and reaching out increasingly to a broader audience in partner countries. In this context, education and particularly human rights education play a significant role. The new Erasmus Mundus programme will contribute to this. The Commission supports dialogue and culture-related activities in the framework of the European Neighbourhood Policy (ENP), the "Investing in People" programme, institutions such as the Anna Lindh Foundation in the Euro-Mediterranean region, as well as within the UN Alliance of Civilisations. With some partner countries in the ENP region, in Asia and elsewhere, specific cultural cooperation programmes are established (like the Culture Fund for India). These activities are of an interdependent nature.

In order to efficiently support cultural specific actions in ACP countries, the European Commission is proposing to create a EU-ACP Cultural Fund as a joint European contribution to supporting the distribution and in some cases the production of ACP cultural goods. This Fund will encourage the emergence of local markets and industries, thus facilitating and encouraging the access of local people to culture and to the various means of cultural expression, and will also increase the access of ACP cultural goods to European markets through a better access to distribution networks and platforms in the EU.

The 10th European Development Fund will provide a start-up for funding this Fund that will be complemented by EU Member States contributions.

5. CONCLUSION

"Culture is not a luxury, but a necessity." Gao Xingjian

The Commission considers that the time is ripe for a new European agenda for culture, which takes account of the realities of today's globalizing world.

This Communication puts forward concrete proposals both with regard to a set of shared objectives and new methods for stepping up cultural cooperation in the EU.

The European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee are invited to react to this Communication.

The Council is invited to take the appropriate steps to decide on a set of shared objectives and on an appropriate reporting process within the proposed open method of coordination, and the European Council to endorse them in its conclusions.



EUROPE 2020

A European strategy for smart, sustainable and inclusive growth

Preface

2010 must mark a new beginning. I want Europe to emerge stronger from the economic and financial crisis.

Economic realities are moving faster than political realities, as we have seen with the global impact of the financial crisis. We need to accept that the increased economic interdependence demands also a more determined and coherent response at the political level.

The last two years have left millions unemployed. It has brought a burden of debt that will last for many years. It has brought new pressures on our social cohesion. It has also exposed some fundamental truths about the challenges that the European economy faces. And in the meantime, the global economy is moving forward. How Europe responds will determine our future.

The crisis is a wake-up call, the moment where we recognise that "business as usual" would consign us to a gradual decline, to the second rank of the new global order. This is Europe's moment of truth. It is the time to be bold and ambitious.

Our short-term priority is a successful exit from the crisis. It will be tough for some time yet but we will get there. Significant progress has been made on dealing with bad banks, correcting the financial markets and recognising the need for strong policy coordination in the eurozone.

To achieve a sustainable future, we must already look beyond the short term. Europe needs to get back on track. Then it must stay on track. That is the purpose of Europe 2020. It's about more jobs and better lives. It shows how Europe has the capability to deliver smart, sustainable and inclusive growth, to find the path to create new jobs and to offer a sense of direction to our societies.

European leaders have a common analysis on the lessons to be drawn from the crisis. We also share a common sense of urgency on the challenges ahead. Now we jointly need to make it happen. Europe has many strengths. We have a talented workforce, we have a powerful technological and industrial base. We have an internal market and a single currency that have successfully helped us resist the worst. We have a tried and tested social market economy. We must have confidence in our ability to set an ambitious agenda for ourselves and then gear our efforts to delivering it.

The Commission is proposing five measurable EU targets for 2020 that will steer the process and be translated into national targets: for employment; for research and innovation; for climate change and energy; for education; and for combating poverty. They represent the direction we should take and will mean we can measure our success.

They are ambitious, but attainable. They are backed up by concrete proposals to make sure they are delivered. The flagship initiatives set out in this paper show how the EU can make a decisive contribution. We have powerful tools to hand in the shape of new economic governance, supported by the internal market, our budget, our trade and external economic policy and the disciplines and support of economic and monetary union.

The condition for success is a real ownership by European leaders and institutions. Our new agenda requires a coordinated European response, including with social partners and civil society. If we act together, then we can fight back and come out of the crisis stronger. We have the new tools and the new ambition. Now we need to make it happen.

José Manuel BARROSO



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A strategy for smart, sustainable and inclusive growth

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EUROPE 2020 STRATEGY EXECUTIVE SUMMARY

Europe faces a moment of transformation. The crisis has wiped out years of economic and social progress and exposed structural weaknesses in Europe's economy. In the meantime, the world is moving fast and long-term challenges – globalisation, pressure on resources, ageing – intensify. The EU must now take charge of its future.

Europe can succeed if it acts collectively, as a Union. We need a strategy to help us come out stronger from the crisis and turn the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion. Europe 2020 sets out a vision of Europe's social market economy for the 21st century.

Europe 2020 puts forward three mutually reinforcing priorities:

- Smart growth: developing an economy based on knowledge and innovation.
- Sustainable growth: promoting a more resource efficient, greener and more competitive economy.
- Inclusive growth: fostering a high-employment economy delivering social and territorial cohesion.

The EU needs to define where it wants to be by 2020. To this end, the Commission proposes the following EU headline targets:

- 75 % of the population aged 20-64 should be employed.
- 3% of the EU's GDP should be invested in R&D.
- The "20/20/20" climate/energy targets should be met (including an increase to 30% of emissions reduction if the conditions are right).
- The share of early school leavers should be under 10% and at least 40% of the younger generation should have a tertiary degree.
- 20 million less people should be at risk of poverty.

These targets are interrelated and critical to our overall success. To ensure that each Member State tailors the Europe 2020 strategy to its particular situation, the Commission proposes that EU goals are translated into national targets and trajectories.

The targets are representative of the three priorities of smart, sustainable and inclusive growth but they are not exhaustive: a wide range of actions at national, EU and international levels will be necessary to underpin them. The Commission is putting forward seven flagship initiatives to catalyse progress under each priority theme:

- "Innovation Union" to improve framework conditions and access to finance for research and innovation so as to ensure that innovative ideas can be turned into products and services that create growth and jobs.
- "Youth on the move" to enhance the performance of education systems and to facilitate the entry of young people to the labour market.

- "A digital agenda for Europe" to speed up the roll-out of high-speed internet and reap the benefits of a digital single market for households and firms.
- "Resource efficient Europe" to help decouple economic growth from the use of resources, support the shift towards a low carbon economy, increase the use of renewable energy sources, modernise our transport sector and promote energy efficiency.
- "An industrial policy for the globalisation era" to improve the business environment, notably for SMEs, and to support the development of a strong and sustainable industrial base able to compete globally.
- "An agenda for new skills and jobs" to modernise labour markets and empower people by developing their skills throughout the lifecycle with a view to increase labour participation and better match labour supply and demand, including through labour mobility.
- "European platform against poverty" to ensure social and territorial cohesion such that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.

These seven flagship initiatives will commit both the EU and the Member States. EU-level instruments, notably the single market, financial levers and external policy tools, will be fully mobilised to tackle bottlenecks and deliver the Europe 2020 goals. As an immediate priority, the Commission charts what needs to be done to define a credible exit strategy, to pursue the reform of the financial system, to ensure budgetary consolidation for long-term growth, and to strengthen coordination within the Economic and Monetary Union.

Stronger economic governance will be required to deliver results. Europe 2020 will rely on two pillars: the thematic approach outlined above, combining priorities and headline targets; and country reporting, helping Member States to develop their strategies to return to sustainable growth and public finances. Integrated guidelines will be adopted at EU level to cover the scope of EU priorities and targets. Country-specific recommendations will be addressed to Member States. Policy warnings could be issued in case of inadequate response. The reporting of Europe 2020 and the Stability and Growth Pact evaluation will be done simultaneously, while keeping the instruments separate and maintaining the integrity of the Pact.

The European Council will have full ownership and be the focal point of the new strategy. The Commission will monitor progress towards the targets, facilitate policy exchange and make the necessary proposals to steer action and advance the EU flagship initiatives. The European Parliament will be a driving force to mobilise citizens and act as co-legislator on key initiatives. This partnership approach should extend to EU committees, to national parliaments and national, local and regional authorities, to social partners and to stakeholders and civil society so that everyone is involved in delivering on the vision.

The Commission proposes that the European Council endorses - in March - the overall approach of the strategy and the EU headline targets, and approves - in June - the detailed parameters of the strategy, including the integrated guidelines and national targets. The Commission also looks forward to the views and support of the European Parliament for making Europe 2020 a success.

1. A MOMENT OF TRANSFORMATION

The crisis has wiped out recent progress

The recent economic crisis has no precedent in our generation. The steady gains in economic growth and job creation witnessed over the last decade have been wiped out – our GDP fell by 4% in 2009, our industrial production dropped back to the levels of the 1990s and 23 million people - or 10% of our active population - are now unemployed. The crisis has been a huge shock for millions of citizens and it has exposed some fundamental weaknesses of our economy.

The crisis has also made the task of securing future economic growth much more difficult. The still fragile situation of our financial system is holding back recovery as firms and households have difficulties to borrow, spend and invest. Our public finances have been severely affected, with deficits at 7% of GDP on average and debt levels at over 80% of GDP – two years of crisis erasing twenty years of fiscal consolidation. Our growth potential has been halved during the crisis. Many investment plans, talents and ideas risk going to waste because of uncertainties, sluggish demand and lack of funding.

Europe's structural weaknesses have been exposed

Moving out of the crisis is the immediate challenge, but the biggest challenge is to escape the reflex to try to return to the pre-crisis situation. Even before the crisis, there were many areas where Europe was not progressing fast enough relative to the rest of the world:

- Europe's average growth rate has been structurally lower than that of our main economic partners, largely due to a productivity gap that has widened over the last decade. Much of this is due to differences in business structures combined with lower levels of investment in R&D and innovation, insufficient use of information and communications technologies, reluctance in some parts of our societies to embrace innovation, barriers to market access and a less dynamic business environment.
- In spite of progress, Europe's employment rates – at 69% on average for those aged 20-64 – are still significantly lower than in other parts of the world. Only 63% of women are in work compared to 76% of men. Only 46% of older workers (55-64) are employed compared to over 62% in the US and Japan. Moreover, on average Europeans work 10% fewer hours than their US or Japanese counterparts.
- Demographic ageing is accelerating. As the baby-boom generation retires, the EU's active population will start to shrink as from 2013/2014. The number of people aged over 60 is now increasing twice as fast as it did before 2007 – by about two million every year compared to one million previously. The combination of a smaller working population and a higher share of retired people will place additional strains on our welfare systems.

Global challenges intensify

While Europe needs to address its own structural weaknesses, the world is moving fast and will be very different by the end of the coming decade:

- Our economies are increasingly interlinked. Europe will continue to benefit from being one of the most open economies in the world but competition from developed and emerging economies is intensifying. Countries such as China or India are

investing heavily in research and technology in order to move their industries up the value chain and "leapfrog" into the global economy. This puts pressure on some sectors of our economy to remain competitive, but every threat is also an opportunity. As these countries develop, new markets will open up for many European companies.

- Global finance still needs fixing. The availability of easy credit, short-termism and excessive risk-taking in financial markets around the world fuelled speculative behaviour, giving rise to bubble-driven growth and important imbalances. Europe is engaged in finding global solutions to bring about an efficient and sustainable financial system.
- Climate and resource challenges require drastic action. Strong dependence on fossil fuels such as oil and inefficient use of raw materials expose our consumers and businesses to harmful and costly price shocks, threatening our economic security and contributing to climate change. The expansion of the world population from 6 to 9 billion will intensify global competition for natural resources, and put pressure on the environment. The EU must continue its outreach to other parts of the world in pursuit of a worldwide solution to the problems of climate change at the same time as we implement our agreed climate and energy strategy across the territory of the Union.

Europe must act to avoid decline

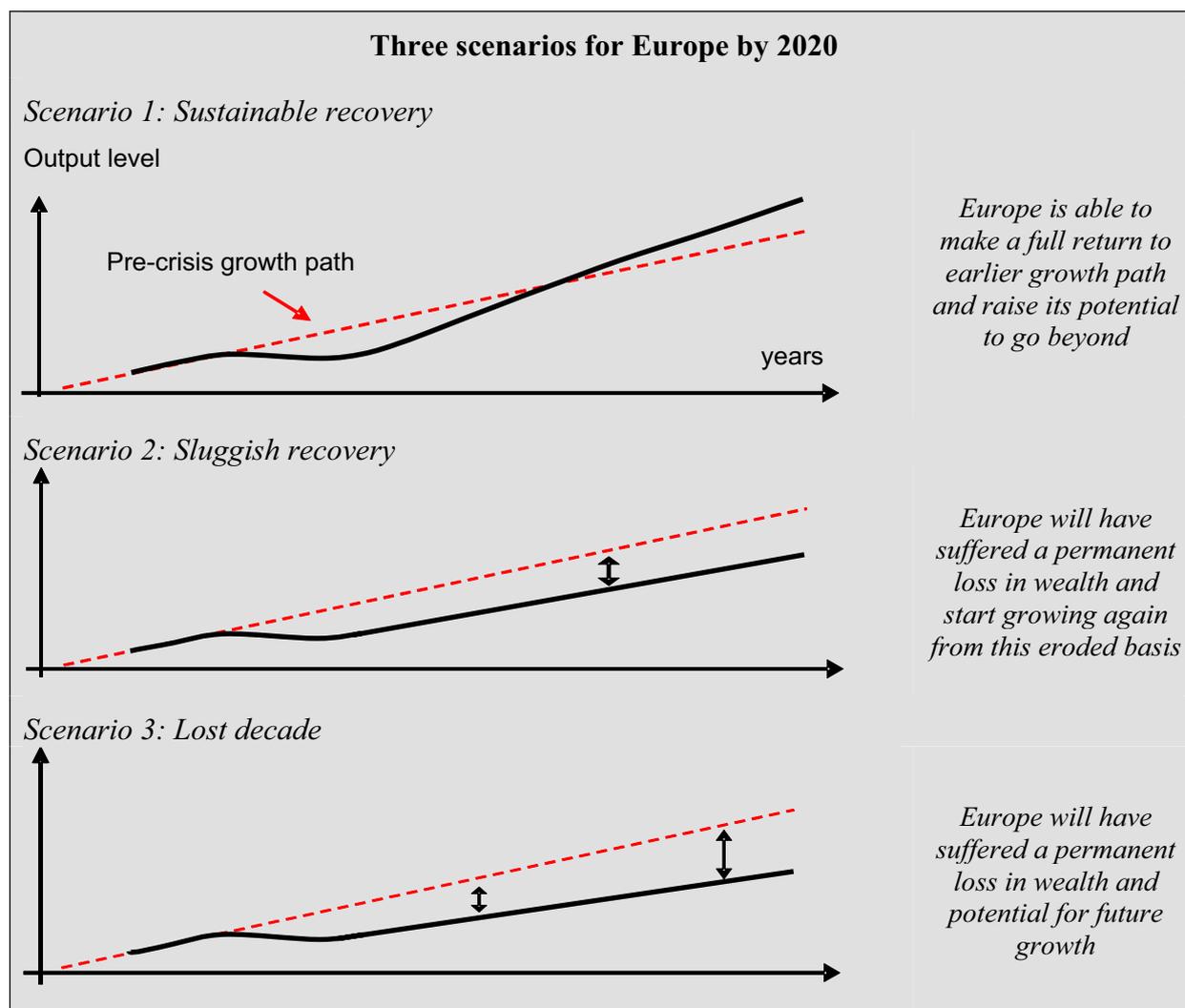
There are several lessons we can learn from this crisis:

- The 27 EU economies are highly interdependent: the crisis underscored the close links and spill-overs between our national economies, particularly in the euro area. Reforms, or the lack of them, in one country affect the performance of all others, as recent events have shown; moreover, the crisis and severe constraints in public spending have made it more difficult for some Member States to provide sufficient funding for the basic infrastructure they need in areas such as transport and energy not only to develop their own economies but also to help them participate fully in the internal market.
- Coordination within the EU works: the response to the crisis showed that if we act together, we are significantly more effective. We proved this by taking common action to stabilise the banking system and through the adoption of a European Economic Recovery Plan. In a global world, no single country can effectively address the challenges by acting alone;
- The EU adds value on the global scene. The EU will influence global policy decisions only if it acts jointly. Stronger external representation will need to go hand in hand with stronger internal co-ordination.

The crisis has not just been a one-off hit, allowing us to resume "business as usual". The challenges that our Union faces are greater than before the recession, whilst our room for manoeuvre is limited. Moreover, the rest of the world is not standing still. The enhanced role of the G20 has demonstrated the growing economic and political power of emerging countries.

Europe is left with clear yet challenging choices. Either we face up collectively to the immediate challenge of the recovery and to long-term challenges – globalisation, pressure on resources, ageing, – so as to make up for the recent losses, regain competitiveness, boost productivity and put the EU on an upward path of prosperity ("sustainable recovery").

Or we continue at a slow and largely uncoordinated pace of reforms, and we risk ending up with a permanent loss in wealth, a sluggish growth rate ("sluggish recovery") possibly leading to high levels of unemployment and social distress, and a relative decline on the world scene ("lost decade").



Europe can succeed

Europe has many strengths: we can count on the talent and creativity of our people, a strong industrial base, a vibrant services sector, a thriving, high quality agricultural sector, strong maritime tradition, our single market and common currency, our position as the world's biggest trading bloc and leading destination for foreign direct investment. But we can also count on our strong values, democratic institutions, our consideration for economic, social and territorial cohesion and solidarity, our respect for the environment, our cultural diversity, respect for gender equality – just to name a few. Many of our Member States are amongst the most innovative and developed economies in the world. But the best chance for Europe to succeed is if it acts collectively – as a Union.

When confronted with major events in the past, the EU and its Member States have risen to the challenge. In the 1990s, Europe launched the largest single market in the world backed by a common currency. Only a few years ago, the division of Europe ended as new Member States entered the Union and other states embarked on the road towards membership or a closer relation with the Union. Over the last two years common action taken at the height of

the crisis through the European Recovery Plan helped prevent economic meltdown, whilst our welfare systems helped protect people from even greater hardship.

Europe is able to act in times of crisis and to adapt its economies and societies. And today Europeans face again a moment of transformation to cope with the impact of the crisis, Europe's structural weaknesses and intensifying global challenges.

In so doing, our exit from the crisis must be the point of entry into a new economy. For our own and future generations to continue to enjoy a high-quality of healthy life, underpinned by Europe's unique social models, we need to take action now. What is needed is a strategy to turn the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion. This is the Europe 2020 strategy. This is an agenda for all Member States, taking into account different needs, different starting points and national specificities so as to promote growth for all.

2. SMART, SUSTAINABLE AND INCLUSIVE GROWTH

Where do we want Europe to be in 2020?

Three priorities should be the heart of Europe 2020¹:

- Smart growth – developing an economy based on knowledge and innovation.
- Sustainable growth – promoting a more resource efficient, greener and more competitive economy.
- Inclusive growth – fostering a high-employment economy delivering economic, social and territorial cohesion.

These three priorities are mutually reinforcing; they offer a vision of Europe's social market economy for the 21st century.

To guide our efforts and steer progress, there is a large consensus that the EU should commonly agree on a limited number of headline targets for 2020. These targets should be representative of the theme of smart, sustainable and inclusive growth. They must be measurable, capable of reflecting the diversity of Member States situations and based on sufficiently reliable data for purposes of comparison. The following targets have been selected on this basis – meeting them will be critical to our success by 2020:

- The employment rate of the population aged 20-64 should increase from the current 69% to at least 75%, including through the greater involvement of women, older workers and the better integration of migrants in the work force;
- The EU currently has a target of investing 3% of GDP in R&D. The target has succeeded in focusing attention on the need for both the public and private sectors to invest in R&D but it focuses on input rather than impact. There is a clear need to improve the conditions for private R&D in the EU and many of the measures proposed in this strategy will do this. It is also clear that by looking at R&D and innovation together we would get a broader range of expenditure which would be more relevant for business operations and for productivity drivers. The Commission

¹ These themes have been widely welcomed in the public consultation carried out by the Commission. For details of the views expressed during the consultation see: http://ec.europa.eu/eu2020/index_en.htm

proposes to keep the 3% target while developing an indicator which would reflect R&D and innovation intensity;

- Reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30%, if the conditions² are right; increase the share of renewable energy sources in our final energy consumption to 20%; and a 20% increase in energy efficiency;
- A target on educational attainment which tackles the problem of early school leavers by reducing the drop out rate to 10% from the current 15%, whilst increasing the share of the population aged 30-34 having completed tertiary education from 31% to at least 40% in 2020;
- The number of Europeans living below the national poverty lines should be reduced by 25%, lifting over 20 million people out of poverty³.

These targets are interrelated. For instance, better educational levels help employability and progress in increasing the employment rate helps to reduce poverty. A greater capacity for research and development as well as innovation across all sectors of the economy, combined with increased resource efficiency will improve competitiveness and foster job creation. Investing in cleaner, low carbon technologies will help our environment, contribute to fighting climate change and create new business and employment opportunities. Meeting these targets should mobilise our collective attention. It will take strong leadership, commitment and an effective delivery mechanism to change attitudes and practices in the EU to deliver the results which are summarised in these targets.

These targets are representative, not exhaustive. They represent an overall view of where the Commission would like to see the EU on key parameters by 2020. They do not represent a "one size fits all" approach. Each Member State is different and the EU of 27 is more diverse than it was a decade ago. Despite disparities in levels of development and standards of living the Commission considers that the proposed targets are relevant to all Member States, old and newer alike. Investing in research and development as well as innovation, in education and in resource efficient technologies will benefit traditional sectors, rural areas as well as high skill, service economies. It will reinforce economic, social and territorial cohesion. To ensure that each Member States tailors the Europe 2020 strategy to its particular situation, the Commission proposes that these EU targets are translated into national targets and trajectories to reflect the current situation of each Member State and the level of ambition it is able to reach as part of a wider EU effort to meet these targets. In addition to the efforts of Member States the Commission will propose an ambitious range of actions at EU level designed to lift the EU onto a new, more sustainable growth path. This mix of EU and national efforts should be mutually reinforcing.

Smart growth – an economy based on knowledge and innovation

Smart growth means strengthening knowledge and innovation as drivers of our future growth. This requires improving the quality of our education, strengthening our research performance, promoting innovation and knowledge transfer throughout the Union, making full use of

² The European Council of 10-11 December 2009 concluded that as part of a global and comprehensive agreement for the period beyond 2012, the EU reiterates its conditional offer to move to a 30% reduction by 2020 compared to 1990 levels, provided that other developed countries commit themselves to comparable emission reductions and that developing countries contribute adequately according to their responsibilities and respective capabilities.

³ The national poverty line is defined as 60% of the median disposable income in each Member State.

information and communication technologies and ensuring that innovative ideas can be turned into new products and services that create growth, quality jobs and help address European and global societal challenges. But, to succeed, this must be combined with entrepreneurship, finance, and a focus on user needs and market opportunities.

Europe must act:

- Innovation: R&D spending in Europe is below 2%, compared to 2.6% in the US and 3.4% in Japan, mainly as a result of lower levels of private investment. It is not only the absolute amounts spent on R&D that count – Europe needs to focus on the impact and composition of research spending and to improve the conditions for private sector R&D in the EU. Our smaller share of high-tech firms explains half of our gap with the US.
- Education, training and lifelong learning: A quarter of all pupils have poor reading competences, one in seven young people leave education and training too early. Around 50% reach medium qualifications level but this often fails to match labour market needs. Less than one person in three aged 25-34 has a university degree compared to 40% in the US and over 50% in Japan. According to the Shanghai index, only two European universities are in the world's top 20.
- Digital society: The global demand for information and communication technologies is a market worth € 2 000 billion, but only one quarter of this comes from European firms. Europe is also falling behind on high-speed internet, which affects its ability to innovate, including in rural areas, as well as on the on-line dissemination of knowledge and on-line distribution of goods and services.

Action under this priority will unleash Europe's innovative capabilities, improving educational outcomes and the quality and outputs of education institutions, and exploiting the economic and societal benefits of a digital society. These policies should be delivered at regional, national and EU level.

Flagship Initiative: "Innovation Union"

The aim of this is to re-focus R&D and innovation policy on the challenges facing our society, such as climate change, energy and resource efficiency, health and demographic change. Every link should be strengthened in the innovation chain, from 'blue sky' research to commercialisation.

At EU level, the Commission will work:

- To complete the European Research Area, to develop a strategic research agenda focused on challenges such as energy security, transport, climate change and resource efficiency, health and ageing, environmentally-friendly production methods and land management, and to enhance joint programming with Member States and regions;
- To improve framework conditions for business to innovate (i.e. create the single EU Patent and a specialised Patent Court, modernise the framework of copyright and trademarks, improve access of SMEs to Intellectual Property Protection, speed up setting of interoperable standards; improve access to capital and make full use of demand side policies, e.g. through public procurement and smart regulation);
- To launch 'European Innovation Partnerships' between the EU and national levels to speed up the development and deployment of the technologies needed to meet the challenges identified. The first will include: 'building the bio-economy by 2020', 'the key enabling technologies to shape Europe's industrial future' and 'technologies to allow older people to live independently and be active in society';

- To strengthen and further develop the role of EU instruments to support innovation (e.g. structural funds, rural development funds, R&D framework programme, CIP, SET plan), including through closer work with the EIB and streamline administrative procedures to facilitate access to funding, particularly for SMEs and to bring in innovative incentive mechanisms linked to the carbon market, namely for fast-movers:
- To promote knowledge partnerships and strengthen links between education, business, research and innovation, including through the EIT, and to promote entrepreneurship by supporting Young Innovative Companies.

At national level, Member States will need:

- To reform national (and regional) R&D and innovation systems to foster excellence and smart specialisation, reinforce cooperation between universities, research and business, implement joint programming and enhance cross-border co-operation in areas with EU value added and adjust national funding procedures accordingly, to ensure the diffusion of technology across the EU territory;
- To ensure a sufficient supply of science, maths and engineering graduates and to focus school curricula on creativity, innovation, and entrepreneurship;
- To prioritise knowledge expenditure, including by using tax incentives and other financial instruments to promote greater private R&D investments.

Flagship initiative: "Youth on the move"

The aim is to enhance the performance and international attractiveness of Europe's higher education institutions and raise the overall quality of all levels of education and training in the EU, combining both excellence and equity, by promoting student mobility and trainees' mobility, and improve the employment situation of young people.

At EU level, the Commission will work:

- To integrate and enhance the EU's mobility, university and researchers' programmes (such as Erasmus, Erasmus Mundus, Tempus and Marie Curie) and link them up with national programmes and resources;
- To step up the modernisation agenda of higher education (curricula, governance and financing) including by benchmarking university performance and educational outcomes in a global context;
- To explore ways of promoting entrepreneurship through mobility programmes for young professionals;
- To promote the recognition of non-formal and informal learning;
- To launch a Youth employment framework outlining policies aimed at reducing youth unemployment rates: this should promote, with Member States and social partners, young people's entry into the labour market through apprenticeships, stages or other work experience, including a scheme ("Your first EURES job") aimed at increasing job opportunities for young people by favouring mobility across the EU.

At national level, Member States will need:

- To ensure efficient investment in education and training systems at all levels (pre-school to tertiary);
- To improve educational outcomes, addressing each segment (pre-school, primary, secondary, vocational and tertiary) within an integrated approach, encompassing key competences and aiming at reducing early school leaving;
- To enhance the openness and relevance of education systems by building national qualification frameworks and better gearing learning outcomes towards labour market needs.
- To improve young people's entry into the labour market through integrated action covering i.a guidance, counselling and apprenticeships.

Flagship Initiative: "A Digital Agenda for Europe"

The aim is to deliver sustainable economic and social benefits from a Digital Single Market based on fast and ultra fast internet and interoperable applications, with broadband access for all by 2013, access for all to much higher internet speeds (30 Mbps or above) by 2020, and 50% or more of European households subscribing to internet connections above 100 Mbps.

At EU level, the Commission will work:

- To provide a stable legal framework that stimulate investments in an open and competitive high speed internet infrastructure and in related services;
- To develop an efficient spectrum policy;
- To facilitate the use of the EU's structural funds in pursuit of this agenda;
- To create a true single market for online content and services (i.e. borderless and safe EU web services and digital content markets, with high levels of trust and confidence, a balanced regulatory framework with clear rights regimes, the fostering of multi-territorial licences, adequate protection and remuneration for rights holders and active support for the digitisation of Europe's rich cultural heritage, and to shape the global governance of the internet;
- To reform the research and innovation funds and increase support in the field of ICTs so as to reinforce Europe's technology strength in key strategic fields and create the conditions for high growth SMEs to lead emerging markets and to stimulate ICT innovation across all business sectors;
- To promote internet access and take-up by all European citizens, especially through actions in support of digital literacy and accessibility.

At national level, Member States will need:

- To draw up operational high speed internet strategies, and target public funding, including structural funds, on areas not fully served by private investments;
- To establish a legal framework for co-ordinating public works to reduce costs of network rollout;
- To promote deployment and usage of modern accessible online services (e.g. e-government, online health, smart home, digital skills, security).

Sustainable growth – promoting a more resource efficient, greener and more competitive economy

Sustainable growth means building a resource efficient, sustainable and competitive economy, exploiting Europe's leadership in the race to develop new processes and technologies, including green technologies, accelerating the roll out of smart grids using ICTs, exploiting EU-scale networks, and reinforcing the competitive advantages of our businesses, particularly in manufacturing and within our SMEs, as well through assisting consumers to value resource efficiency. Such an approach will help the EU to prosper in a low-carbon, resource constrained world while preventing environmental degradation, biodiversity loss and unsustainable use of resources. It will also underpin economic, social and territorial cohesion.

Europe must act:

- **Competitiveness:** The EU has prospered through trade, exporting round the world and importing inputs as well as finished goods. Faced with intense pressure on export markets and for a growing range of inputs we must improve our competitiveness vis-à-vis our main trading partners through higher productivity. We will need to address relative competitiveness inside the Euro area and in the wider EU. The EU was largely a first mover in green solutions, but its advantage is being challenged by key competitors, notably China and North America. The EU should maintain its lead in the market for green technologies as a means of ensuring resource efficiency through

out the economy, while removing bottlenecks in key network infrastructures, thereby boosting our industrial competitiveness.

- Combating climate change: Achieving our climate goals means reducing emissions significantly more quickly in the next decade than in the last decade and exploiting fully the potential of new technologies such as carbon capture and sequestration possibilities. Improving resource efficiency would significantly help limit emissions, save money and boost economic growth. All sectors of the economy, not just emission-intensive, are concerned. We must also strengthen our economies' resilience to climate risks, and our capacity for disaster prevention and response.
- Clean and efficient energy: Meeting our energy goals could result in € 60 billion less in oil and gas imports by 2020. This is not only financial savings; this is essential for our energy security. Further progress with the integration of the European energy market can add an extra 0.6% to 0.8% GDP. Meeting the EU's objective of 20% of renewable sources of energy alone has the potential to create more than 600 000 jobs in the EU. Adding the 20% target on energy efficiency, it is well over 1 million new jobs that are at stake.

Action under this priority will require implementing our emission-reduction commitments in a way which maximises the benefits and minimises the costs, including through the spread of innovative technological solutions. Moreover, we should aim to decouple growth from energy use and become a more resource efficient economy, which will not only give Europe a competitive advantage, but also reduce its dependency of foreign sources for raw materials and commodities.

Flagship Initiative: "Resource efficient Europe"

The aim is to support the shift towards a resource efficient and low-carbon economy that is efficient in the way it uses all resources. The aim is to decouple our economic growth from resource and energy use, reduce CO₂ emissions, enhance competitiveness and promote greater energy security.

At EU level, the Commission will work:

- To mobilise EU financial instruments (e.g. rural development, structural funds, R&D framework programme, TENs, EIB) as part of a consistent funding strategy, that pulls together EU and national public and private funding;
- To enhance a framework for the use of market-based instruments (e.g. emissions trading, revision of energy taxation, state-aid framework, encouraging wider use of green public procurement);
- To present proposals to modernise and decarbonise the transport sector thereby contributing to increased competitiveness. This can be done through a mix of measures e.g. infrastructure measures such as early deployment of grid infrastructures of electrical mobility, intelligent traffic management, better logistics, pursuing the reduction of CO₂ emissions for road vehicles, for the aviation and maritime sectors including the launch of a major European "green" car initiative which will help to promote new technologies including electric and hybrid cars through a mix of research, setting of common standards and developing the necessary infrastructure support;
- To accelerate the implementation of strategic projects with high European added value to address critical bottlenecks, in particular cross border sections and inter modal nodes (cities, ports, logistic platforms);
- To complete the internal energy market and implement the strategic energy technologies (SET) plan, promoting renewable sources of energy in the single market would also be a priority;
- To present an initiative to upgrade Europe's networks, including Trans European Energy Networks, towards a European supergrid, "smart grids" and interconnections in particular of renewable energy sources to the grid (with support of structural funds and the EIB). This includes to promote infrastructure projects of major strategic importance to the EU in the Baltic, Balkan, Mediterranean and Eurasian regions;
- To adopt and implement a revised Energy Efficiency Action Plan and promote a substantial programme in resource efficiency (supporting SMEs as well as households) by making use of structural and other funds to leverage new financing through existing highly successful models of innovative investment schemes; this should promote changes in consumption and production patterns;
- To establish a vision of structural and technological changes required to move to a low carbon, resource efficient and climate resilient economy by 2050 which will allow the EU to achieve its emissions reduction and biodiversity targets; this includes disaster prevention and response, harnessing the contribution of cohesion, agricultural, rural development, and maritime policies to address climate change, in particular through adaptation measures based on more efficient use of resources, which will also contribute to improving global food security.

At national level, Member States will need:

- To phase out environmentally harmful subsidies, limiting exceptions to people with social needs;
- To deploy market-based instruments such as fiscal incentives and procurement to adapt production and consumption methods;
- To develop smart, upgraded and fully interconnected transport and energy infrastructures and make full use of ICT;
- To ensure a coordinated implementation of infrastructure projects, within the EU Core network, that critically contribute to the effectiveness of the overall EU transport system;
- To focus on the urban dimension of transport where much of the congestion and emissions are generated;
- To use regulation, building performance standards and market-based instruments such as taxation,

subsidies and procurement to reduce energy and resource use and use structural funds to invest in energy efficiency in public buildings and in more efficient recycling;

- To incentivise energy saving instruments that could raise efficiency in energy-intensive sectors, such as based on the use of ICTs.

Flagship Initiative: "An industrial policy for the globalisation era"

Industry and especially SMEs have been hit hard by the economic crisis and all sectors are facing the challenges of globalisation and adjusting their production processes and products to a low-carbon economy. The impact of these challenges will differ from sector to sector, some sectors might have to "reinvent" themselves but for others these challenges will present new business opportunities. The Commission will work closely with stakeholders in different sectors (business, trade unions, academics, NGOs, consumer organisations) and will draw up a framework for a modern industrial policy, to support entrepreneurship, to guide and help industry to become fit to meet these challenges, to promote the competitiveness of Europe's primary, manufacturing and service industries and help them seize the opportunities of globalisation and of the green economy. The framework will address all elements of the increasingly international value chain from access to raw materials to after-sales service.

At EU level, the Commission will work:

- To establish an industrial policy creating the best environment to maintain and develop a strong, competitive and diversified industrial base in Europe as well as supporting the transition of manufacturing sectors to greater energy and resource efficiency;
- To develop a horizontal approach to industrial policy combining different policy instruments (e.g. "smart" regulation, modernised public procurement, competition rules and standard setting);
- To improve the business environment, especially for SMEs, including through reducing the transaction costs of doing business in Europe, the promotion of clusters and improving affordable access to finance;
- To promote the restructuring of sectors in difficulty towards future oriented activities, including through quick redeployment of skills to emerging high growth sectors and markets and support from the EU's state aids regime and/or the Globalisation Adjustment Fund;
- To promote technologies and production methods that reduce natural resource use, and increase investment in the EU's existing natural assets;
- To promote the internationalisation of SMEs;
- To ensure that transport and logistics networks enable industry throughout the Union to have effective access to the Single Market and the international market beyond;
- To develop an effective space policy to provide the tools to address some of the key global challenges and in particular to deliver Galileo and GMES;
- To enhance the competitiveness of the European tourism sector;
- To review regulations to support the transition of service and manufacturing sectors to greater resource efficiency, including more effective recycling; to improve the way in which European standard setting works to leverage European and international standards for the long-term competitiveness of European industry. This will include promoting the commercialisation and take-up of key enabling technologies;
- To renew the EU strategy to promote Corporate Social Responsibility as a key element in ensuring long term employee and consumer trust.

At national level, Member States will need:

- To improve the business environment especially for innovative SMEs, including through public sector procurement to support innovation incentives;
- To improve the conditions for enforcing intellectual property;
- To reduce administrative burden on companies, and improve the quality of business legislation;

- To work closely with stakeholders in different sectors (business, trade unions, academics, NGOs, consumer organisations) to identify bottlenecks and develop a shared analysis on how to maintain a strong industrial and knowledge base and put the EU in a position to lead global sustainable development.

Inclusive growth – a high-employment economy delivering economic, social and territorial cohesion

Inclusive growth means empowering people through high levels of employment, investing in skills, fighting poverty and modernising labour markets, training and social protection systems so as to help people anticipate and manage change, and build a cohesive society. It is also essential that the benefits of economic growth spread to all parts of the Union, including its outermost regions, thus strengthening territorial cohesion. It is about ensuring access and opportunities for all throughout the lifecycle. Europe needs to make full use of its labour potential to face the challenges of an ageing population and rising global competition. Policies to promote gender equality will be needed to increase labour force participation thus adding to growth and social cohesion.

Europe must act:

- **Employment:** Due to demographic change, our workforce is about to shrink. Only two-thirds of our working age population is currently employed, compared to over 70% in the US and Japan. The employment rate of women and older workers are particularly low. Young people have been severely hit by the crisis, with an unemployment rate over 21%. There is a strong risk that people away or poorly attached to the world of work lose ground from the labour market.
- **Skills:** About 80 million people have low or basic skills, but lifelong learning benefits mostly the more educated. By 2020, 16 million more jobs will require high qualifications, while the demand for low skills will drop by 12 million jobs. Achieving longer working lives will also require the possibility to acquire and develop new skills throughout the lifetime.
- **Fighting poverty:** 80 million people were at risk of poverty prior to the crisis. 19 million of them are children. 8 per cent of people in work do not earn enough to make it above the poverty threshold. Unemployed people are particularly exposed.

Action under this priority will require modernising, strengthening our employment education and training policies and social protection systems by increasing labour participation and reducing structural unemployment, as well as raising corporate social responsibility among the business community. Access to childcare facilities and care for other dependents will be important in this respect. Implementing flexicurity principles and enabling people to acquire new skills to adapt to new conditions and potential career shifts will be key. A major effort will be needed to combat poverty and social exclusion and reduce health inequalities to ensure that everybody can benefit from growth. Equally important will be our ability to meet the challenge of promoting a healthy and active ageing population to allow for social cohesion and higher productivity.

Flagship Initiative: "An Agenda for new skills and jobs"

The aim is to create conditions for modernising labour markets with a view to raising employment levels and ensuring the sustainability of our social models. This means empowering people through the acquisition of new skills to enable our current and future workforce to adapt to new conditions and

potential career shifts, reduce unemployment and raise labour productivity.

At EU level, the Commission will work:

- To define and implement the second phase of the flexicurity agenda, together with European social partners, to identify ways to better manage economic transitions and to fight unemployment and raise activity rates;
- To adapt the legislative framework, in line with 'smart' regulation principles, to evolving work patterns (e.g. working time, posting of workers) and new risks for health and safety at work;
- To facilitate and promote intra-EU labour mobility and better match labour supply with demand with appropriate financial support from the structural funds, notably the European Social Fund (ESF), and to promote a forward-looking and comprehensive labour migration policy which would respond in a flexible way to the priorities and needs of labour markets;
- To strengthen the capacity of social partners and make full use of the problem-solving potential of social dialogue at all levels (EU, national/regional, sectoral, company), and to promote strengthened cooperation between labour market institutions including the public employment services of the Member States;
- To give a strong impetus to the strategic framework for cooperation in education and training involving all stakeholders. This should notably result in the implementation of life-long learning principles (in cooperation with Member States, social partners, experts) including through flexible learning pathways between different education and training sectors and levels and by reinforcing the attractiveness of vocational education and training. Social partners at European level should be consulted in view of developing an initiative of their own in this area;
- To ensure that the competences required to engage in further learning and the labour market are acquired and recognised throughout general, vocational, higher and adult education and to develop a common language and operational tool for education/training and work: a European Skills, Competences and Occupations framework (ESCO).

At national level, Member States will need:

- To implement their national pathways for flexicurity, as agreed by the European Council, to reduce labour market segmentation and facilitate transitions as well as facilitating the reconciliation of work and family life;
- To review and regularly monitor the efficiency of tax and benefit systems so to make work pay with a particular focus on the low skilled, whilst removing measures that discourage self-employment;
- To promote new forms of work-life balance and active ageing policies and to increase gender equality;
- Promote and monitor the effective implementation of social dialogue outcomes;
- To give a strong impetus to the implementation of the European Qualifications Framework, through the establishment of national qualification frameworks;
- To ensure that the competences required to engage in further learning and the labour market are acquired and recognised throughout general, vocational, higher and adult education, including non formal and informal learning;
- To develop partnerships between the worlds of education/training and work, in particular by involving social partners in the planning of education and training provision.

Flagship Initiative: "European Platform against Poverty"

The aim is to ensure economic, social and territorial cohesion, building on the current European year for combating poverty and social exclusion so as to raise awareness and recognise the fundamental rights of people experiencing poverty and social exclusion, enabling them to live in dignity and take an active part in society.

At EU level, the Commission will work:

- To transform the open method of coordination on social exclusion and social protection into a platform for cooperation, peer-review and exchange of good practice, and into an instrument to foster commitment by public and private players to reduce social exclusion, and take concrete action, including through targeted support from the structural funds, notably the ESF;
- To design and implement programmes to promote social innovation for the most vulnerable, in particular by providing innovative education, training, and employment opportunities for deprived communities, to fight discrimination (e.g. disabled), and to develop a new agenda for migrants' integration to enable them to take full advantage of their potential;
- To undertake an assessment of the adequacy and sustainability of social protection and pension systems, and identify ways to ensure better access to health care systems.

At national level, Member States will need:

- To promote shared collective and individual responsibility in combating poverty and social exclusion;
- To define and implement measures addressing the specific circumstances of groups at particular risk (such as one-parent families, elderly women, minorities, Roma, people with a disability and the homeless);
- To fully deploy their social security and pension systems to ensure adequate income support and access to health care.

3. MISSING LINKS AND BOTTLENECKS

All EU policies, instruments and legal acts, as well as financial instruments, should be mobilised to pursue the strategy's objectives. The Commission intends to enhance key policies and instruments such as the single market, the budget and the EU's external economic agenda to focus on delivering Europe 2020's objectives. Operational proposals to ensure their full contribution to the strategy are an integral part of the Europe 2020.

3.1. A single market for the 21st century

A stronger, deeper, extended single market is vital for growth and job creation. However, current trends show signs of integration fatigue and disenchantment regarding the single market. The crisis has added temptations of economic nationalism. The Commission's vigilance and a shared sense of responsibility among Member States have prevented a drift towards disintegration. But a new momentum – a genuine political commitment - is needed to re-launch the single market, through a quick adoption of the initiatives mentioned below. Such political commitment will require a combination of measures to fill the gaps in the single market.

Every day businesses and citizens are faced with the reality that bottlenecks to cross-border activity remain despite the legal existence of the single market. They realise that networks are not sufficiently inter-connected and that the enforcement of single market rules remains uneven. Often, businesses and citizens still need to deal with 27 different legal systems for one and the same transaction. Whilst our companies are still confronted with the day-to-day reality of fragmentation and diverging rules, their competitors from China, the US or Japan can draw full strength from their large home markets.

The single market was conceived before the arrival of Internet, before information and communication technologies became the one of the main drivers of growth and before services became such a dominant part of the European economy. The emergence of new services (e.g. content and media, health, smart energy metering) shows huge potential, but

Europe will only exploit this potential if it overcomes the fragmentation that currently blocks the flow of on-line content and access for consumers and companies.

To gear the single market to serve the Europe 2020 goals requires well functioning and well-connected markets where competition and consumer access stimulate growth and innovation. An open single market for services must be created on the basis of the Services Directive, whilst at the same time ensuring the quality of services provided to consumers. The full implementation of the Services Directive could increase trade in commercial services by 45% and Foreign Direct investment by 25%, bringing an increase of between 0.5% and 1.5% increase in GDP.

Access for SMEs to the single market must be improved. Entrepreneurship must be developed by concrete policy initiatives, including a simplification of company law (bankruptcy procedures, private company statute, etc.), and initiatives allowing entrepreneurs to restart after failed businesses. Citizens must be empowered to play a full part in the single market. This requires strengthening their ability and confidence to buy goods and services cross-border, in particular on-line.

Through the implementation of competition policy the Commission will ensure that the single market remains an open market, preserving equal opportunities for firms and combating national protectionism. But competition policy will do more to contribute to achieving the Europe 2020 goals. Competition policy ensures that markets provide the right environment for innovation, for example through ensuring that patents and property rights are not abused. Preventing market abuse and anticompetitive agreements between firms provides a reassurance to incentivise innovation. State aid policy can also actively and positively contribute to the Europe 2020 objectives by prompting and supporting initiatives for more innovative, efficient and greener technologies, while facilitating access to public support for investment, risk capital and funding for research and development.

The Commission will propose action to tackle bottlenecks in the single market by:

- Reinforcing structures to implement single market measures on time and correctly, including network regulation, the Services Directive and the financial markets legislative and supervision package, enforce them effectively and when problems arise, resolve them speedily;
- Pressing ahead with the Smart Regulation agenda, including considering the wider use of regulations rather than directives, launching ex-post evaluation of existing legislation, pursuing market monitoring, reducing administrative burdens, removing tax obstacles, improving the business environment, particularly for SMEs, and supporting entrepreneurship;
- Adapting EU and national legislation to the digital era so as to promote the circulation of content with high level of trust for consumers and companies. This requires updating rules on liability, warranties, delivery and dispute resolution;
- Making it easier and less costly for businesses and consumers to conclude contracts with partners in other EU countries, notably by offering harmonised solutions for consumer contracts, EU model contract clauses and by making progress towards an optional European Contract Law;
- Making it easier and less costly for businesses and consumers to enforce contracts and to recognise court judgments and documents in other EU countries.

3.2. Investing in growth: cohesion policy, mobilising the EU budget and private finance

Economic, social and territorial cohesion will remain at the heart of the Europe 2020 strategy to ensure that all energies and capacities are mobilised and focused on the pursuit of the strategy's priorities. Cohesion policy and its structural funds, while important in their own right, are key delivery mechanisms to achieve the priorities of smart, sustainable and inclusive growth in Member States and regions.

The financial crisis has had a major impact on the capacity of European businesses and governments to finance investment and innovation projects. To accomplish its objectives for Europe 2020, a regulatory environment that renders financial markets both effective and secure is key. Europe must also do all it can to leverage its financial means, pursue new avenues in using a combination of private and public finance, and in creating innovative instruments to finance the needed investments, including public-private partnerships (PPPs). The European Investment Bank and the European Investment Fund can contribute to backing a "virtuous circle" where innovation and entrepreneurship can be funded profitably from early stage investments to listing on stock markets, in partnership with the many public initiatives and schemes already operating at national level.

The EU multi-annual financial framework will also need to reflect the long-term growth priorities. The Commission intends to take the priorities, once agreed, up in its proposals for the next multi-annual financial framework, due for next year. The discussion should not only be about levels of funding, but also about how different funding instruments such as structural funds, agricultural and rural development funds, the research framework programme, and the competitiveness and innovation framework programme (CIP) need to be devised to achieve the Europe 2020 goals so as to maximise impact, ensure efficiency and EU value added. It will be important to find ways of increasing the impact of the EU budget – while small it can have an important catalytic effect when carefully targetted.

The Commission will propose action to develop innovative financing solutions to support Europe 2020's objectives by:

- Fully exploiting possibilities to improve the effectiveness and efficiency of the existing EU budget through stronger prioritisation and better alignment of EU expenditure with the goals of the Europe 2020 to address the present fragmentation of EU funding instruments (e.g. R&D and innovation, key infrastructure investments in cross-border energy and transport networks, and low-carbon technology). The opportunity of the review of the Financial Regulation should also be fully exploited to develop the potential of innovative financial instruments, whilst ensuring sound financial management;
- Designing new financing instruments, in particular in cooperation with the EIB/EIF and the private sector, responding to hitherto unfulfilled needs by businesses. As part of the forthcoming research and innovation plan, the Commission will co-ordinate an initiative with the EIB/EIF to raise additional capital for funding innovative and growing businesses;
- Making an efficient European venture capital market a reality, thereby greatly facilitating direct business access to capital markets and exploring incentives for private sector funds that make financing available for start-up companies, and for innovative SMEs.

3.3. Deploying our external policy instruments

Global growth will open up new opportunities for Europe's exporters and competitive access to vital imports. All instruments of external economic policy need to be deployed to foster European growth through our participation in open and fair markets world wide. This applies to the external aspects of our various internal policies (e.g. energy, transport, agriculture, R&D) but this holds in particular for trade and international macroeconomic policy coordination. An open Europe, operating within a rules-based international framework, is the best route to exploit the benefits of globalisation that will boost growth and employment. At the same time, the EU must assert itself more effectively on the world stage, playing a leading role in shaping the future global economic order through the G20, and pursuing the European interest through the active deployment of all the tools at our disposal.

A part of the growth that Europe needs to generate over the next decade will need to come from the emerging economies as their middle classes develop and import goods and services in which the European Union has a comparative advantage. As the biggest trading bloc in the world, the EU prospers by being open to the world and paying close attention to what other developed or emerging economies are doing to anticipate or adapt to future trends.

Acting within the WTO and bilaterally in order to secure better market access for EU business, including SMEs, and a level playing field vis-à-vis our external competitors should be a key goal. Moreover, we should focus and streamline our regulatory dialogues, particularly in new areas such as climate and green growth, where possible expanding our global reach by promoting equivalence, mutual recognition and convergence on key regulatory issues, as well as the adoption of our rules and standards.

The Europe 2020 strategy is not only relevant inside the EU, it can also offer considerable potential to candidate countries and our neighbourhood and better help anchor their own reform efforts. Expanding the area where EU rules are applied, will create new opportunities for both the EU and its neighbours.

In addition, one of the critical objectives in the next few years will be to build strategic relationships with emerging economies to discuss issues of common concern, promote regulatory and other co-operation and resolve bilateral issues. The structures underpinning these relationships will need to be flexible and be politically rather than technically driven.

The Commission will draw up in 2010 a trade strategy for Europe 2020 which will include:

- An emphasis on concluding on-going multilateral and bilateral trade negotiations, in particular those with the strongest economic potential, as well as on better enforcement of existing agreements, focussing on non-tariff barriers to trade;
- Trade opening initiatives for sectors of the future, such as "green" products and technologies, high-tech products and services, and on international standardization in particular in growth areas;
- Proposals for high-level strategic dialogues with key partners, to discuss strategic issues ranging from market access, regulatory framework, global imbalances, energy and climate change, access to raw materials, to global poverty, education and development. It will also work to reinforce the Transatlantic Economic Council with the US the High Level Economic Dialogue with China and deepen its relationship with Japan and Russia;
- Starting in 2011 and then annually before the Spring European Council, a trade and investment barriers report identifying ways to improve market access and regulatory environment for EU companies.

The EU is a global player and takes its international responsibilities seriously. It has been developing a real partnership with developing countries to eradicate poverty, to promote growth and to fulfil the Millennium Development Goals (MDGs). We have a particularly close relationship with Africa and will need to invest further in the future in developing that close partnership. This will take place in the broader ongoing efforts to increase development aid, improve the efficiency of our aid programmes notably through the efficient division of labour with Member States and by better reflecting development aims in other policies of the European Union.

4. EXIT FROM THE CRISIS: FIRST STEPS TOWARDS 2020

Policy instruments were decisively, and massively, used to counteract the crisis. Fiscal policy had, where possible, an expansionary and counter-cyclical role; interest rates were lowered to historical minima while liquidity was provided to the financial sector in an unprecedented way. Governments gave massive support to banks, either through guarantees, recapitalization or through "cleaning" of balance sheets from impaired assets; other sectors of the economy were supported under the temporary, and exceptional, framework for State aid. All these actions were, and still are, justified. But they cannot stay there permanently. High levels of public debt cannot be sustained indefinitely. The pursuit of the Europe 2020 objectives must be based on a credible exit strategy as regards budgetary and monetary policy on the one hand, and the direct support given by governments to economic sectors, in particular the financial sector, on the other. The sequencing of these several exits is important. A reinforced coordination of economic policies, in particular within the euro area should ensure a successful global exit.

4.1. Defining a credible exit strategy

Given remaining uncertainties about the economic outlook and fragilities in the financial sector, support measures should only be withdrawn once the economic recovery can be

regarded as self-sustaining and once financial stability has been restored⁴. The withdrawal of temporary crisis-related measures should be coordinated and take account of possible negative spill-over effects both across Member States as well as of interactions between different policy instruments. State aid disciplines should be restored, starting with the ending of the temporary state aid framework. Such a coordinated approach would need to rely on the following principles:

- The withdrawal of the fiscal stimulus should begin as soon as the recovery is on a firm footing. However, the timing may have to differ from country to country, hence the need for a high degree of coordination at European level;
- Short-term unemployment support should only start to be phased out once a turning point in GDP growth can be regarded as firmly established and thus employment, with its usual lag, will have started to grow;
- Sectoral support schemes should be phased out early as they carry a large budget costs, are considered to have by and large achieved their objectives, and due to their possible distorting effects on the single market;
- Access-to-finance support should continue until there are clear signs that financing conditions for business have broadly returned to normal;
- Withdrawal of support to the financial sector, starting with government guarantee schemes, will depend on the state of the economy overall and of the stability of the financial system in particular.

4.2. The reform of the financial system

A crucial priority in the short term will be to restore a solid, stable and healthy financial sector able to finance the real economy. It will require the full and timely implementation of the G20 commitments. Five objectives will in particular have to be met:

- Implementing the agreed reforms of the supervision of the financial sector;
- Filling the regulatory gaps, promoting transparency, stability and accountability notably as regards derivatives and market infrastructure;
- Completing the strengthening of our prudential, accounting and consumer protection rules in the form a single European rule-book covering all financial actors and markets in an appropriate way;
- Strengthening the governance of financial institutions, in order to address the weaknesses identified during the financial crisis in the area of risk identification and management;
- Setting in motion an ambitious policy that will allow us in the future to better prevent and if needed manage possible financial crises, and that – taking into account the specific responsibility of the financial sector in the current crisis – will look also into adequate contributions from the financial sector.

⁴ European Council conclusions of 10/11 December 2009.

4.3. Pursuing smart budgetary consolidation for long-term growth

Sound public finances are critical for restoring the conditions for sustainable growth and jobs so we need a comprehensive exit strategy. This will involve the progressive withdrawal of short-term crisis support and the introduction of medium- to longer-term reforms that promote the sustainability of public finances and enhance potential growth.

The Stability and Growth Pact provides the right framework to implement fiscal exit strategies and Member States are setting down such strategies in their stability and convergence programmes. For most countries, the onset of fiscal consolidation should normally occur in 2011. The process of bringing the deficits to below 3% of GDP should be completed, as a rule, by 2013. However, in a number of countries, the consolidation phase may have to begin earlier than 2011 implying that the withdrawal of temporary crisis support and fiscal consolidation may in these cases need to occur simultaneously.

To support the EU's economic growth potential and the sustainability of our social models, the consolidation of public finances in the context of the Stability and Growth Pact involves setting priorities and making hard choices: coordination at EU can help Member States in this task and help address spill-over effects. In addition, the composition and quality of government expenditure matters: budgetary consolidation programmes should prioritise 'growth-enhancing items' such as education and skills, R&D and innovation and investment in networks, e.g. high-speed internet, energy and transport interconnections – i.e. the key thematic areas of the Europe 2020 strategy.

The revenue side of the budget also matters and particular attention should also be given to the quality of the revenue/tax system. Where taxes may have to rise, this should, where possible, be done in conjunction with making the tax systems more "growth-friendly". For example, raising taxes on labour, as has occurred in the past at great costs to jobs, should be avoided. Rather Member States should seek to shift the tax burden from labour to energy and environmental taxes as part of a "greening" of taxation systems.

Fiscal consolidation and long-term financial sustainability will need to go hand in hand with important structural reforms, in particular of pension, health care, social protection and education systems. Public administration should use the situation as an opportunity to enhance efficiency and the quality of service. Public procurement policy must ensure the most efficient use of public funds and procurement markets must be kept open EU-wide.

4.4. Coordination within the Economic and Monetary Union

The common currency has acted as a valuable shield from exchange rate turbulences for those Member States whose currency is the euro. But the crisis has also revealed the extent of the interdependence between the economies within the euro area, namely in the financial domain, rendering spill-over effects more likely. Divergent growth patterns lead in some cases to the accumulation of unsustainable government debts which in turn puts strains on the single currency. The crisis has thus amplified some of the challenges faced by the euro area, e.g. the sustainability of public finances and potential growth, but also the destabilising role of imbalances and competitiveness divergences.

Overcoming these challenges in the euro area is of paramount importance, and urgent, in order to secure stability and sustained and employment creating growth. Addressing these challenges requires strengthened and closer policy co-ordination including:

- A framework for deeper and broader surveillance for euro area countries: in addition to strengthening fiscal discipline, macro-economic imbalances and competitiveness developments should be an integral part of economic surveillance, in particular with a view to facilitating a policy driven adjustment.
- A framework for addressing imminent threats for the financial stability of the euro area as a whole.
- Adequate external representation of the euro area in order to forcefully tackle global economic and financial challenges.

The Commission will make proposals to take these ideas forward.

5. DELIVERING RESULTS: STRONGER GOVERNANCE

To achieve transformational change, the Europe 2020 strategy will need more focus, clear goals and transparent benchmarks for assessing progress. This will require a strong governance framework that harnesses the instruments at its disposal to ensure timely and effective implementation.

5.1. Proposed architecture of Europe 2020

The strategy should be organised around a thematic approach and a more focused country surveillance. This builds on the strength of already existing coordination instruments. More specifically:

- **A thematic approach** would focus on the themes identified in Section 2, in particular the delivery of the 5 headline targets. The main instrument would be the Europe 2020 programme and its flagship initiatives, which require action at both EU and Member States level (see Section 2 and Annexes 1 and 2). The thematic approach reflects the EU dimension, shows clearly the interdependence of Member States economies, and allows greater selectivity on concrete initiatives which push the strategy forward and help achieve the EU and national headline targets.
- **Country reporting** would contribute to the achievement of Europe 2020 goals by helping Member States define and implement exit strategies, to restore macroeconomic stability, identify national bottlenecks and return their economies to sustainable growth and public finances. It would not only encompass fiscal policy, but also core macroeconomic issues related to growth and competitiveness (i.e. macro-imbalances). It would have to ensure an integrated approach to policy design and implementation, which is crucial to support the choices Member States will have to make, given the constraints on their public finances. A specific focus will be placed on the functioning of the euro area, and the interdependence between Member States.

To achieve this, the Europe 2020 and Stability and Growth Pact (SGP) reporting and evaluation will be done simultaneously to bring the means and the aims together, while keeping the instruments and procedures separate and maintaining the integrity of the SGP. This means proposing at the same time the annual stability or convergence programmes and streamlined reform programmes which each Member State will draw up to set out measures to report on progress towards their targets, as well as key structural reforms to address their bottlenecks to growth. Both these programmes, which should contain the necessary cross-references, should be submitted to the Commission and other Member States during the last

quarter of the year. The European Systemic Risk Board (ESRB) should report regularly on macro-financial risks: these reports will be an important contribution to the overall assessment. The Commission will assess these programmes and report on progress made with their implementation. Specific attention will be devoted to the challenges of the Economic and Monetary Union.

This would give the European Council all the information necessary to take decisions. Indeed, it would have an analysis of the economic and job situations, the overall budgetary picture, macro-financial conditions and progress on the thematic agendas per Member State, and would in addition review the overall state of the EU economy.

Integrated guidelines

The Europe 2020 strategy will be established institutionally in a small set of integrated 'Europe 2020' guidelines (integrating employment and broad economic policy guidelines), to replace the 24 existing guidelines. These new guidelines will reflect the decisions of the European Council and integrate agreed targets. Following the opinion of the European Parliament on the employment guidelines as foreseen by the Treaty, the guidelines should be politically endorsed by the June European Council before they are adopted by Council. Once adopted, they should remain largely stable until 2014 to ensure a focus on implementation.

Policy Recommendations

Policy recommendations will be addressed to Member States both in the context of the country reporting as well as under the thematic approach of Europe 2020. For country surveillance, they will take the form of Opinions on stability/convergence programmes under Council Regulation (EC) No 1466/97 accompanied by recommendations under the Broad Economic Policy Guidelines (BEPGs, Article 121.2). The thematic part would include Employment recommendations (Article 148) and country recommendations on other selected thematic issues (for instance on business environment, innovation, functioning of the single market, energy/climate change etc.), both of which could also be addressed to the extent that they have macroeconomic implications through the recommendations under the BEPGs as indicated above. This set-up for the recommendations would also help ensure coherence between the macro/fiscal framework and the thematic agendas.

The recommendations under the country surveillance would address issues with significant macroeconomic and public finance implications, whereas the recommendations under the thematic approach would provide detailed advice on micro-economic and employment challenges. These recommendations would be sufficiently precise and normally provide a time-frame within which the Member State concerned is expected to act (e.g. two years). The Member State would then set out what action it would take to implement the recommendation. If a Member State, after the time-frame has expired, has not adequately responded to a policy recommendation of the Council or develops policies going against the advice, the Commission could issue a policy warning (Article 121.4).

5.2. Who does what?

Working together towards these objectives is essential. In our interconnected economies, growth and employment will only return if all Member States move in this direction, taking account of their specific circumstances. We need greater ownership. The European Council should provide overall guidance for the strategy, on the basis of Commission proposals built on one core principle: a clear EU value added. In this respect, the role of the European Parliament is particularly important. The contribution of stakeholders at national and regional

level and of the social partners needs also to be enhanced. An overview of the Europe 2020 policy cycle and timeline is included in Annex 3.

Full ownership by the European Council

Contrary to the present situation where the European Council is the last element in the decision-making process of the strategy, the European Council should steer the strategy as it is the body which ensures the integration of policies and manages the interdependence between Member States and the EU.

Whilst keeping a horizontal watching brief on the implementation of the Europe 2020 programme, the European Council could focus on specific themes (e.g. research and innovation, skills) at its future meetings, providing guidance and the necessary impulses.

Council of Ministers

The relevant council formations would work to implement the Europe 2020 programme and achieve the targets in the fields for which they are responsible. As part of the flagship initiatives, Member States will be invited to step up their exchange of policy information of good practices within the various Council formations.

European Commission

The European Commission will monitor annually the situation on the basis of a set of indicators showing overall progress towards the objective of smart, green and inclusive economy delivering high levels of employment, productivity and social cohesion.

It will issue a yearly report on the delivery of the Europe 2020 strategy focusing on progress towards meeting the agreed headline targets, and assess country reports and stability and convergence programmes. As part of this process, the Commission will present policy recommendations or warnings, make policy proposals to attain the objectives of the strategy and will present a specific assessment of progress achieved within the euro-area.

European Parliament

The European Parliament should play an important role in the strategy, not only in its capacity as co-legislator, but also as a driving force for mobilising citizens and their national parliaments. Parliament could, for instance, use the next meeting with national parliaments to discuss its contribution to Europe 2020 and jointly communicate views to the Spring European Council.

National, regional and local authorities

All national, regional and local authorities should implement the partnership, closely associating parliaments, as well as social partners and representatives of civil society, contributing to the elaboration of national reform programmes as well as to its implementation.

By establishing a permanent dialogue between various levels of government, the priorities of the Union are brought closer to citizens, strengthening the ownership needed to delivery the Europe 2020 strategy.

Stakeholders and civil society

Furthermore, the Economic and Social Committee as well as the Committee of Regions should also be more closely associated. Exchange of good practices, benchmarking and networking - as promoted by several Member States - has proven another useful tool to forge ownership and dynamism around the need for reform.

The success of the new strategy will therefore depend critically on the European Union's institutions, Member States and regions explaining clearly why reforms are necessary - and inevitable to maintain our quality of life and secure our social models -, where Europe and its Member States want to be by 2020, and what contribution they are looking for from citizens, businesses and their representative organisations. Recognising the need to take account of national circumstances and traditions, the Commission will propose a common communication tool box to this effect.

6. DECISIONS FOR THE EUROPEAN COUNCIL

The Commission proposes that the European Council, at its meeting in Spring 2010:

- agrees on the thematic priorities of the Europe 2020 strategy;
- sets the five headline targets as proposed in section 2 of this paper: on R&D investments, education, energy/climate change, employment rate, and reducing poverty, defining where Europe should be by 2020; invites the Member States in a dialogue with the European Commission to translate these EU targets into national targets for decisions at the June European Council, taking into account national circumstances and differing starting points;
- invites the Commission to come forward with proposals for the flagship initiatives, and requests the Council (and its formations) on this basis to take the necessary decisions to implement them;
- agrees to strengthen economic policy co-ordination to promote positive spill-over effects and help address the Union's challenges more effectively; to this end, it approves the combination of thematic and country assessments as proposed in this communication whilst strictly maintaining the integrity of the Pact; it will also give special attention to strengthening EMU;
- calls on all parties and stakeholders (e.g. national/regional parliaments, regional and/or local authorities, social partners and civil society, and last but not least the citizens of Europe) to help implement the strategy, working in partnership, by taking action in areas within their responsibility;
- requests the Commission to monitor progress and report annually to the Spring European Council, providing an overview of progress towards the targets, including international benchmarking, and the state of implementation of the flagship initiatives.

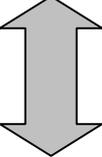
At its subsequent meetings:

- endorses the proposed integrated guidelines which constitutes its institutional underpinning following the opinion of the European Parliament;
- validates the national targets following a process of mutual verification to ensure consistency;
- discusses specific themes assessing where Europe stands and how progress can be accelerated. A first discussion on research and innovation could take place at its October meeting on the basis of a Commission contribution.

ANNEX 1 - EUROPE 2020: AN OVERVIEW

HEADLINE TARGETS	
<ul style="list-style-type: none"> – Raise the employment rate of the population aged 20-64 from the current 69% to at least 75%. – Achieve the target of investing 3% of GDP in R&D in particular by improving the conditions for R&D investment by the private sector, and develop a new indicator to track innovation. – Reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30% if the conditions are right, increase the share of renewable energy in our final energy consumption to 20%, and achieve a 20% increase in energy efficiency. – Reduce the share of early school leavers to 10% from the current 15% and increase the share of the population aged 30-34 having completed tertiary education from 31% to at least 40%. – Reduce the number of Europeans living below national poverty lines by 25%, lifting 20 million people out of poverty. 	
SMART GROWTH	SUSTAINABLE GROWTH
<p>INNOVATION</p> <p>EU flagship initiative "Innovation Union" to improve framework conditions and access to finance for research and innovation so as to strengthen the innovation chain and boost levels of investment throughout the Union.</p> <p>EDUCATION</p> <p>EU flagship initiative "Youth on the move" to enhance the performance of education systems and to reinforce the international attractiveness of Europe's higher education.</p> <p>DIGITAL SOCIETY</p> <p>EU flagship initiative "A digital agenda for Europe" to speed up the roll-out of high-speed internet and reap the benefits of a digital single market for households and firms.</p>	<p>CLIMATE, ENERGY AND MOBILITY</p> <p>EU flagship initiative "Resource efficient Europe" to help decouple economic growth from the use of resources, by decarbonising our economy, increasing the use of renewable sources, modernising our transport sector and promoting energy efficiency.</p> <p>COMPETITIVENESS</p> <p>EU flagship initiative "An industrial policy for the globalisation era" to improve the business environment, especially for SMEs, and to support the development of a strong and sustainable industrial base able to compete globally.</p>
SMART GROWTH	INCLUSIVE GROWTH
	<p>EMPLOYMENT AND SKILLS</p> <p>EU flagship initiative "An agenda for new skills and jobs" to modernise labour markets by facilitating labour mobility and the development of skills throughout the lifecycle with a view to increase labour participation and better match labour supply and demand.</p> <p>FIGHTING POVERTY</p> <p>EU flagship initiative "European platform against poverty" to ensure social and territorial cohesion such that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.</p>

ANNEX 2 - EUROPE 2020 ARCHITECTURE

Overall institutional structure	Integrated guidelines establishing scope of EU policy priorities, including headline targets for the EU to reach by 2020 and to be translated into national targets.	
Delivery	<p style="text-align: center;"><u>Country reporting:</u></p> <p>Aim: help Member States define and implement exit strategies to restore macroeconomic stability, identify national bottlenecks and return their economies to sustainable growth and public finances.</p> <p>Approach: enhanced assessment of main macro-economic challenges facing Member States taking account of spill-overs across Member States and policy areas.</p> <p>Instruments: reporting by the Member State through their stability and convergence programmes, followed by separate but synchronised recommendations on fiscal policy in the Stability and Convergence Programme Opinions and on macro-economic imbalances and growth bottlenecks under the Broad Economic Policy Guidelines (art. 121.2).</p>	<p style="text-align: center;"></p> <p style="text-align: center;"><u>Thematic approach:</u></p> <p>Aim: deliver headline targets agreed at EU level combining concrete actions at EU and national levels.</p> <p>Approach: strategic role of the sectoral Council formations for monitoring and reviewing progress towards the agreed targets.</p> <p>Instruments: reporting by the Member States through streamlined national reform programmes including information on growth bottlenecks and progress towards the targets, followed by policy advice at EU level to be issued in the form of recommendations under the Broad Economic Policy Guidelines (art. 121.2) and the Employment Guidelines (art. 148).</p>

ANNEX 3 - PROPOSED TIMELINE IN 2010 - 2012

2010

European Commission

Proposals for Europe 2020 overall approach

Spring European Council

Agreement on overall approach and choice of EU headline targets

European Commission

Proposals for Europe 2020 integrated guidelines

European Parliament

Debate on strategy and opinion on integrated guidelines

Council of Ministers

Refine key parameters (EU/national targets, flagship initiatives and integrated guidelines)

June European Council

Approval of Europe 2020 strategy, validation of EU and national targets, and endorsement of the integrated guidelines

European Commission

Operational guidance for next steps in Europe 2020

Autumn European Council

In-depth discussion on a selected thematic issue (e.g. R&D and innovation)

Member States

Stability and Convergence Programmes and National Reform Programmes

2011

European Commission

Annual Report to the European Spring Summit, Opinions on Stability and Convergence programmes and proposals for Recommendations

Council of Ministers

Review of Commission's proposals for Recommendations, ECOFIN for SGP

European Parliament

Plenary debate and adoption of a resolution

Spring European Council

Assessment of progress and strategic orientations

Member States, European Commission, Council

Follow-up on recommendations, implementation of reforms and reporting

2012

Same procedure with a specific focus on monitoring of progress

Arts Education



EFMET

European Forum for Music Education and Training

Recommendations to the European Union about the role of music education and training in the new EU programme for culture.

with the support of



Education and Culture

Culture 2000



EFMET cooperation partners:



INTERNATIONAL

Yehudi



Menuhin

FOUNDATION

RECOMMENDATIONS TO THE EUROPEAN UNION ABOUT THE ROLE OF MUSIC EDUCATION AND TRAINING IN THE NEW EU PROGRAMME FOR CULTURE

I. Introduction: the EFMET project

- A new European initiative in the field of music education, entitled the 'European Forum for Music Education and Training – EFMET' was launched in 2003. This project, which is coordinated by the European Music Council – EMC, brings together European organisations active in formal types of music education (European Association of Conservatoires [AEC], European Music School Union [EMU], International Association of Schools of Jazz [IASJ], European String Teachers Association [ESTA] and European Association of Music in Schools [EAS]) and non-formal types of music education (Jeunesses Musicales Europe [JME], European Federation of National Youth Orchestras [EFNYO], European Federation of Youth Choirs [Europa Cantat] and the International Yehudi Menuhin Foundation [IYMF]).
- The European Commission is supporting this project through a funding opportunity for preparatory actions in the framework of the programme Culture 2000. These preparatory actions have the aim to test innovative initiatives in cultural cooperation in preparation of the new EU cultural programmes after 2006. The objectives of the 2003 call for proposals for these preparatory actions included the role of education and training in the cultural programmes, specifically targeting music education.
- EFMET has formulated 3 objectives:
 1. To improve European cooperation and communication between organisations active in formal and non-formal types of music education through a number of collaborative workshops and discussion rounds
 2. To collect information on music teacher training programmes for classroom music teachers and instrumental/vocal teachers in Europe
 3. To formulate recommendations for the European Commission on the place and role of (music) education and training in the new EU programme for culture after 2006. These recommendations are urgently required: obtaining funding for European activities in education and training in music can sometimes be very difficult, as the education and culture programme often create confusion by referring to each other in relation to this type of activities.
- This brief document makes several suggestions on why education and training in music should have a firm place in the new cultural programme of the EU and how this could be done in such a way that an overlap with the educational programmes is avoided. Please note that the information in this document is based on the expertise and experiences of organisations in the field of music; some issues mentioned in this document could, however, also be relevant for other art disciplines.

II. The current situation: educational versus cultural programmes in the EU

- Several large educational EU programmes exist, in which projects in the field of music are taking or have taken place (ERASMUS, COMENIUS, LEONARDO, TEMPUS and EU/USA programme). None of these programmes offer the music sector the possibility to fully support a European project that actually combines educational and cultural activities and that can include various types of partners (e.g. a partnership of schools, music academies, professional music ensembles, concert venues and youth orchestras). Although the possibility exists in some of the educational programmes to propose projects with mixed partnerships, often the participation of non-educational institutions cannot be funded either due to the complex regulations of these programmes or due to the fact that the priorities of the programme are mostly focussed on issues with a strongly educational nature, such as recognition of qualifications, curriculum development and teacher training.
- On the other hand, in Culture 2000 education and training seem not to have received much attention and promoters have been advised to use the educational programmes for their purposes. In addition, DG EAC staff

has apparently informed external assessors for the Culture 2000 project selection that projects involving education and training activities and partners did not have a high priority.

- Several initiatives have been developed and implemented at EU level in the past with the aim to forge a stronger link between education and culture: the Arts Education and Training Initiative (AETI - 1989), the CONNECT Initiative (1999 – 2002) and the Joint Actions. While the AETI and CONNECT Initiatives were not continued, the Joint Actions until now have had a very limited cultural component. Had both initiatives been continued, some of the objectives described in this paper could have been achieved.
- The EFMET project, which has brought together players from the fields of formal and non-formal music education, clearly shows through its activities that it is exactly these mixed kinds of partnerships, which are highly dynamic and have a strong impact at grassroots level, but they are lacking a European dimension.

III. Why should music education and training play an important role in the cultural programme of the European Union?

- The reality of the music sector shows that a clear division between education/training and the music profession does not exist in practice, because of the following reasons:
 - The unusually long developmental process of musicians as a consequence of the various intellectual, artistic and physical aspects related to the music profession, so that a musician usually starts music training at a very young age and continues to make and study music up to or well after retirement, thus making music the ultimate example of a lifelong learning process
 - The emergence of what is called the 'portfolio career' in the music profession, which means that musicians combine several types of professional activities in order to make a living. Their challenge is to perform music at the highest level, but also to teach, to engage themselves in management and to operate in a constantly changing and increasing international professional environment. In this new situation, the musician will be self-employed and might never have a fixed contract with a particular organisation, which puts a much greater demand on the entrepreneurship of the individual and creates strong needs in terms of continuing professional development of music professionals and the recognition of music teaching qualifications
 - The 'ProMuse' report¹, published by the European Association of Conservatoires - AEC in 2001, shows a clear need for continuing professional development in the music profession; at the same time, the project outcomes also show a serious lack of continuing professional development opportunities in most member states and a total lack of a European dimension in this field, which does not respond to the increasingly European reality of the music profession. It is essential that, with the cultural industries making an important contribution to the EU economy², the music sector will participate fully in the developments initiated by the Lisbon Strategy, aimed at making Europe *"the most competitive and dynamic knowledge based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion"*
- In relation to mobility at European level, several studies indicate that mobility in professional training in the performing arts on European level needs to be improved, as mobility during education and training will increase mobility during professional practice:
 1. A study commissioned by the European Commission on the mobility of performing artists³ clearly states that mobility in professional training in the performing arts on European level is still too limited. In this report, the following conclusions are stated in relation to mobility and training in the performing arts:

¹ Final Report of 'ProMuse', a project on the professional integration of musicians and continuing education in music supported by the LEONARDO programme. European Association of Conservatoires – AEC, Utrecht September 2001, pages 11-14

² EUROSTAT News Release STAT/04/68, 26 May 2004

³ Study on the mobility and free movement of people and products in the cultural sector - study DG EAC 08/00 executed by the partnership CEJEC - Université PARIS X-EAEA, June 2002

- "There is insufficient or no cooperation and exchanges at the Community level between training institutions in the Member States schools and vocational training centres"
- "Insufficient teaching of artistic subjects in secondary schools"
- "Insufficient teaching of foreign languages in Conservatories and academies"

2. Another study executed by the European Association of Conservatoires (AEC) in 2003, as part of a large EU study on cultural cooperation in Europe⁴, clearly confirms the findings of the mobility study, concluding that European cooperation in the field of professional music training is relatively limited and that those existing activities mainly use ERASMUS for exchanges between educational institutions; cooperation at European level between educational institutions and other types of organisations hardly exists. At the same time, music training institutions clearly describe a need for:

- Short-term mobility for their students (1-2 weeks), which cannot be realised in the framework of the educational programmes
- Support for the mobility of professionals in the years after graduation as part of the integration process into the music profession, which also cannot be realised in the framework of the educational programmes
- Collaboration at the European level with types of music organisations other than training institutions

➤ Several research findings have clearly indicated that music activities have a positive impact on the development of several key competencies of young people, such as creative problem solving, social communication and tolerance, flexibility, concentration and physical co-ordination. Music can therefore have a positive impact on the intellectual, physical, emotional and psychological development of young people. Access to music activities can only be ensured by giving music a firm place in general education and by providing citizens in the EU easy access to high-quality music education.

➤ Music academies and music schools should not only be seen as educational and training institutions; they are also important cultural centres in local, regional and national settings, providing high-quality concerts and productions to the general public with music students often being active in the profession already. For this reason, these institutions should have full access to the EU cultural programmes for projects under certain conditions (see §IV below).

➤ Finally, music education will enhance cultural awareness in general. Culture is a vital element in creating and sustaining social cohesion: "Citizens participate in society at different levels and in different dimensions. This requires a wide range of citizenship competencies of an economic, legal, and social nature. Cultural competence is a major component of good citizenship and can be described as the ability to shape one's own cultural identity and the ability to acknowledge and accept other cultures"⁵. The European Union is based on respect for the diversity of cultures between and within member states.

IV. How to ensure that there will not be an overlap of funding opportunities in relation to educational and cultural programmes? Our recommendations

We recommend the following principles, which should help the European Commission to make a distinction between projects that could be funded through either the educational or the cultural programmes. In the development of these points, the content of the recent communication⁶ by the European Commission on the future of the EU programmes for education and training has been taken into account. The principles relate to the various types of activities:

⁴ Study on the state of cultural cooperation in Europe – study DG EAC/48/02 executed by the partnership EFAH/INTERARTS, 19 June 2003

⁵ Culture and School – A survey. Cultuurnetwerk Nederland, Utrecht September 2004, page 67.

⁶ Decision of the European Parliament and the Council establishing an integrated action programme in the field of lifelong learning, Brussels July 2004

1. With regards to projects that propose mobility activities at EU level as part of their activity plan, the following can be taken into consideration:
 - Projects proposing long-term exchanges (minimum of 2-3 months) or internships for music students in professional training, applications should be referred to ERASMUS or LEONARDO⁷. However, projects proposing short-term exchanges (groups of students travelling abroad for music and education activities lasting 1-2 weeks) could be supported by the cultural programme
 - Projects proposing mobility activities for young professionals as part of their integration process into the profession could be supported by the cultural programme. The educational programmes cannot support this activity, as this would require an affiliation of these professionals with a training institution. An 'ERASMUS-type' of programme for musicians and artists could be envisaged, which would not only give (young) professionals the opportunity to gain international professional experience and enhance their employability, but would also give the new EU cultural programme a substantial visibility. It must, however, be ensured that commercial initiatives are excluded from this programme
 - For the exchanges of pupils and teachers between schools in general education and between institutions for the training of classroom music teachers, applicants should be referred to COMENIUS. It must be mentioned, however, that COMENIUS cannot support activities that involve various types of partners (e.g. school and cultural organisations). As a result, various synergies (e.g. language education: why not invite a French musician into a German school for a creative project?) are being missed. Recent research results indicate that although member states have highly developed policies in relation to cultural education in general education in which they would like to promote the collaboration between cultural institutions and schools, this type of collaboration needs further development at national level and has so far never been realised at European level⁸
2. With regards to projects that propose curriculum development in music education and training at EU level as part of their activity plan, the following can be taken into consideration:
 - For projects that primarily deal with curriculum development in professional music training, applicants should be referred to ERASMUS or LEONARDO, even if the project consists of a mixed partnership with organisations with various backgrounds
 - Projects dealing with technical educational issues in music education or training (for example issues related to the Bologna and Copenhagen Declaration processes such as 2-cycle structures, the introduction of credit point systems, the recognition of qualifications, quality assurance, etc) should be referred to ERASMUS or LEONARDO, even if these projects consist of a mixed partnership including organisations of various backgrounds
3. With regards to an activity plan of a project that includes partners from the music education and training sector or activities in the field of music education, projects with the following components should have full access to the new cultural programme:
 - Projects with mixed multinational partnerships; for example a partnership at European level of a school in general education, a music academy, a professional music ensemble, a concert venue and/or a youth music ensemble

⁷ The advanced training or higher education component of LEONARDO will be transferred to ERASMUS according to the proposal for the new EU education programmes (Decision of the European Parliament and the Council establishing an integrated action programme in the field of lifelong learning, Brussels July 2004, page 6). However, as professional music training is not recognised at a higher education level in all EU countries, both ERASMUS and LEONARDO are mentioned here.

⁸ Culture and School – A survey. Cultuurnetwerk Nederland, Utrecht September 2004, pages 70 and 72.

- Projects aimed at increasing access to music activities through organising music educational activities in both formal and non-formal settings
 - Projects with a mixed portfolio of activities: a strong emphasis on cultural activities (concerts, performances, joint compositions, etc), in combination with educational activities (workshops, master classes, seminars and short-term exchanges of music students)
 - Projects that include research activities on the role of music education in society at large and the contribution of music education to strengthening cultural diversity and social cohesion within the EU. For large-scale research projects, DG EAC should cooperate with the DG for Research to ensure that such a project will have access to the EU research funds
 - Projects that include activities in relation to the continuing professional development for music professionals with a European dimension. Examples of such activities could be mobility activities with a training dimension or the development of multinational partnerships between professional music organisation and training institutions
- These principles should always be approached with some flexibility, as they are based on the understanding that a certain amount of overlap will always remain possible between the activities taking place in the EU educational and cultural programmes.

V. Further recommendations

4. In order to achieve a better link between (music) education and culture in the new EU programmes for education and culture, one or more of the following options could be envisaged:
 - To include horizontal issues into the new cultural programme Culture 2007. Education and training could be examples of such horizontal issues, in addition to e.g. research, the use of new technologies and employment issues
 - To make culture one of the horizontal issues for the integrated action programme for lifelong learning⁹. This would be fully in line with Article III-181: 4 of the draft European Constitution, stating that *“The Union shall take cultural aspects into account in its actions under other provisions of the Constitution, in particular in order to respect and to promote the diversity of its cultures”*
 - To develop the reference to Joint Actions in the decision on the new educational programme¹⁰ into concrete activities with a strong cultural component
5. We strongly agree with the measures mentioned in the proposal for establishing the Culture 2007 programme that suggests financial *“support for bodies active at European level in the field of culture”*¹¹. European organisations active in the field of formal and non-formal music education and training should have full access to this support.
6. The European Union should support the development of a framework policy in relation to music and cultural education in general education (both at primary and secondary educational levels). This policy could aim at the exchange of examples of good practice and at closer cooperation in this field at European level.

These recommendations have been drafted by the European Association of Conservatoires (AEC) in consultation with the European Music Council (EMC) for EFMET in July 2004 and circulated to all EFMET partners for comments and evaluation.

⁹ Decision of the European Parliament and the Council establishing an integrated action programme in the field of lifelong learning – Article 12, Brussels July 2004

¹⁰ Decision of the European Parliament and the Council establishing an integrated action programme in the field of lifelong learning – Article 13, Brussels July 2004

¹¹ Decision of the European Parliament and the Council establishing the Culture 2007 programme (2007–2013)– Article 4b, Brussels July 2004

Recommendations MIX IT!

"And immigrants must be freed from multicultural. It is not a question for the immigrants..."

Multiculture is a cultural climate that permeates everything" Rasoul Nejadmehr, Sweden, 2006

European society consists of people from many different backgrounds and origins. This results in many valuable cultural perspectives and presents a particular challenge for mutual understanding. To avoid the segregation of people from a migrant background, it is imperative to foster an understanding of cultural diversity in *all* children at the earliest possible age. Therefore, it is essential not to dilute the divergences between different cultures, but to ensure that each culture is given the opportunity to affirm their own identity and autonomy through a common process of deliberate coexistence. Music projects can contribute substantially to this process of intercultural learning and understanding.

The symposium "MIX IT! – Young People with Migrant Backgrounds in Music Projects" adopts the following recommendations for political decision makers at local, regional, national and European levels:

- Artistic Expression is a human right. Young people from migrant backgrounds deserve particular attention. Music should never be the preserve of a privileged social elite. Any elitist concept of culture has to be challenged.
- As artistic expression is a human right, it is as fundamental to the basic school education as reading, writing and arithmetic, claims the UNESCO World Conference on Arts Education (Lisbon, March 2006). Making music and singing need to be seen as an integral part of any curriculum from nursery to secondary school. Cultural diversity has to be included in these curricula.
- Cooperation between formal and non formal music education is essential for the acquisition of intercultural skills. The cultural scenes themselves offer a wide range of projects with integration aspects in popular and other music styles, which respond to the environment and context of children and young people¹. These projects on grass root level, which are created by artists, organisers, labels and other cultural operators, should be well recognised and supported financially and structurally.
- Traditional university programmes do not provide the skills and knowledge needed for the work in multicultural societies. Universities shall change their programmes in order to produce learning outcomes that enable the students to teach music in culturally diverse surroundings.
- People from different cultural backgrounds should be involved in teaching and leading music projects. Appropriate artistic and pedagogical training should be provided. Artistic and pedagogical competences, not diplomas, should define the recognition.
- People from different cultural backgrounds should be involved in the planning, organising and managing of music projects and in music education.
- Mobility is the oxygen of culture and intercultural dialogue. Appropriate funding and accessible visa regulations have to be provided for cultural operators.
- Musical diversity and intercultural competences have to be learned, not the various musical cultures. It is important to propose music projects in ethnically and linguistically mixed groups.
- Platforms for cultural exchange and space for intercultural discussions have to be provided.
- The media should strengthen their role as mediator and present the richness of various musical cultures.

Various cultures represent an enormous richness of social and cultural life in Europe. Intercultural dialogue, music projects and music education are the best tools to prevent possible conflicts in a multicultural society. The present situation demonstrates that there is an urgent need for action.

¹ The "EFMET – European Forum for Music Education and Training" (EMC, 2004), a project funded by the EU-Commission, has already demonstrated the importance of responding to the youngsters direct surroundings.



United Nations Educational, Scientific
and Cultural Organization

Road Map for Arts Education

The World Conference on Arts Education:
Building Creative Capacities for the 21st Century
Lisbon, 6-9 March 2006

Road Map for Arts Education

Building Creative Capacities for the 21st Century

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Annex: Case Studies

Background

Based on deliberations during and after the World Conference on Arts Education, which took place from 6 to 9 March 2006 in Lisbon, Portugal, this “Road Map for Arts Education” aims to explore the role of Arts Education in meeting the need for creativity and cultural awareness in the 21st Century, and places emphasis on the strategies required to introduce or promote Arts Education in the learning environment.

This document is designed to promote a common understanding among all stakeholders of the importance of Arts Education and its essential role in improving the quality of education. It endeavours to define concepts and identify good practices in the field of Arts Education. In terms of its practical aspects, it is meant to serve as an evolving reference document which outlines concrete changes and steps required to introduce or promote Arts Education in educational settings (formal and non-formal) and to establish a solid framework for future decisions and actions in this field. This Road Map therefore aims to communicate a vision and develop a consensus on the importance of Arts Education for building a creative and culturally aware society; encourage collaborative reflection and action; and garner the necessary financial and human resources to ensure the more complete integration of Arts Education into education systems and schools.

There is much debate concerning the many possible aims of Arts Education. This debate leads to questions such as: “Is Arts Education taught for appreciation alone or should it be seen as a means to enhance learning in other subjects?”; “Should art be taught as a discipline for its own sake or for the body of knowledge, skills and values to be derived from it (or both)?”; “Is Arts Education for a gifted few in selected disciplines or is Arts Education for all?”. These remain central issues in shaping the approach of arts practitioners, teachers, students and policy makers alike. The Road Map attempts a comprehensive response to these questions and emphasizes that creative and cultural development should be a basic function of education.

The Aims of Arts Education

1. Uphold the human right to education and cultural participation

International declarations and conventions aim at securing for every child and adult the right to education and to opportunities that will ensure full and harmonious development and participation in cultural and artistic life. The basic rationale for making Arts Education an important and, indeed, compulsory part of the educational programme in any country emerges from these rights.

Culture and the arts are essential components of a comprehensive education leading to the full development of the individual. Therefore, Arts Education is a universal human right, for all learners, including those who are often excluded from education, such as immigrants, cultural minority groups, and people with disabilities. These assertions are reflected in the following statements about human rights and the rights of the child.

The Universal Declaration of Human Rights

Article 22

‘Everyone, as a member of society ... is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.’

Article 26

‘Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.’

Article 27

‘Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.’

The Convention on the Rights of the Child

Article 29

‘The education of the child shall be directed to ... (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential...’

Article 31

‘State parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.’

2. Develop Individual Capabilities

Humans all have creative potential. The arts provide an environment and practice where the learner is actively engaged in creative experiences, processes, and development. Research¹ indicates that introducing learners to artistic processes, while incorporating elements of their own culture into education, cultivates in each individual a sense of creativity and initiative, a fertile imagination, emotional intelligence and a moral “compass”, a capacity for critical reflection, a sense of autonomy, and freedom of thought and action. Education in and through the arts also stimulates cognitive development and can make how and what learners learn more relevant to the needs of the modern societies in which they live.

As extensive educational literature illustrates, experiencing and developing appreciation and knowledge of the arts enables the development of unique perspectives on a wide range of subject areas; perspectives which cannot be discovered through other educational means.

In order for children and adults to participate fully in cultural and artistic life, they need to progressively learn to understand, appreciate and experience artistic expressions by which fellow humans – often called artists – explore, and share insights on, various aspects of existence and coexistence. As it is a goal to give all people equal opportunities for cultural and artistic activity, artistic education needs to be a compulsory part of educational programmes

¹ For examples of research studies and evidence, refer to the reports from preparatory meetings for the World Conference on Arts Education; cf. LEA International at <http://www.unesco.org/culture/lea> as well as *Educating for Creativity: Bringing the Arts and Culture into Asian Education*, Report of the Asian Regional Symposia on Arts Education, UNESCO 2005.

for all. Arts education should also be systematic and be provided over a number of years as it is a long term process.

Arts Education contributes to an education which integrates physical, intellectual, and creative faculties and makes possible more dynamic and fruitful relations among education, culture, and the arts.

These capabilities are particularly important in the face of the challenges present in 21st century society. For example, due to societal changes which affect family structures, children are often deprived of parental attention. In addition, due to lack of communication and relationship-building in their family life, children often experience a variety of emotional and social problems. Moreover, transmission of cultural traditions and artistic practices within family environments is becoming more difficult, especially in urban areas.

Today, there exists a growing divide between cognitive and emotional processing that reflects a greater focus in learning environments on the development of cognitive skills, and a lesser value placed on emotional processes. According to Professor Antonio Damasio, this emphasis on the development of cognitive skills, to the detriment of the emotional sphere, is a factor in the decline in moral behavior in modern society. Emotional processing is an integral part in the decision-making process and works as a vector for actions and ideas, establishing reflection and judgment. Without an emotional involvement, any action, idea or decision would be based purely on rational terms. Sound moral behavior, which constitutes the solid grounding of the citizen, requires emotional participation. Professor Damasio suggests that Arts Education, by encouraging emotional development, can bring about a better balance between cognitive and emotional development and thereby contribute to supporting a culture of peace.

21st Century societies are increasingly demanding workforces that are creative, flexible, adaptable and innovative and education systems need to evolve with these shifting conditions. Arts Education equips learners with these skills, enabling them to express themselves, critically evaluate the world around them, and actively engage in the various aspects of human existence.

Arts Education is also a means of enabling nations to develop the human resources necessary to tap their valuable cultural capital. Drawing on these resources and capital is essential if countries wish to develop strong and sustainable cultural (creative) industries and enterprises. Such industries have the potential to play a key role in enhancing socio-economic development in many less-developed countries.

Moreover, for many people, cultural industries (such as publishing, the music, film and television industries, and other media) and cultural institutions (such as museums, music venues, cultural centres, art galleries and theatres) serve as key gateways by which to access culture and the arts. Arts Education programmes can help people to discover the variety of cultural expressions offered by the cultural industries and institutions, and to critically respond to them. In turn, cultural industries serve a resource for educators seeking to incorporate the arts into education.

3. Improve the Quality of Education

According to the Education for All (EFA) Global Monitoring Report of 2006, published by UNESCO, while the number of children with access to education is growing, the quality of education remains low in most countries of the world. Providing education for all is important, but it is equally vital that students are given an education of good quality.²

“Quality education” is learner-centred and can be defined by three principles: education that is relevant to the learner but also promotes universal values, education which is equitable in terms of access and outcomes and guarantees social inclusion rather than exclusion, and education which reflects and helps to fulfil individual rights.³

Quality education can therefore generally be understood as being education that provides all young people and other learners with the locally-relevant abilities required for them to function successfully in their society; is appropriate in terms of the students’ lives, aspirations and interests, as well as those of their families and societies; and is inclusive and rights-based.

According to the Dakar Framework for Action⁴, many factors are required as prerequisites for quality education. Learning in and through the arts (Arts Education and Arts-in-Education) can enhance at least four of these factors: active learning; a locally-relevant curriculum that captures the interest and enthusiasm of learners; respect for, and engagement with, local communities and cultures; and trained and motivated teachers.

4. Promote the Expression of Cultural Diversity

The arts are both the manifestation of culture as well as the means of communication of cultural knowledge. Each culture has unique artistic expressions and cultural practices. The diversity of cultures and their creative, artistic products represent contemporary and traditional forms of human creativity which uniquely contribute to the nobility, heritage, beauty and integrity of human civilizations.

Awareness and knowledge of cultural practices and art forms strengthens personal and collective identities and values, and contributes to safeguarding and promoting cultural diversity. Arts Education both fosters cultural awareness and promotes cultural practices, and is the means by which knowledge and appreciation of the arts and culture are transmitted from one generation to the next.

In many countries both tangible and intangible aspects of cultures are being lost because they are not valued in the education system or are not being transmitted to future generations. There is therefore a clear need for education systems to incorporate and transmit cultural knowledge and expressions. This can be achieved through Arts Education, in both formal and non-formal educational settings.

Several of the Main Lines of Action for the implementation of the UNESCO Universal Declaration on Cultural Diversity, agreed on by Member States in 2001, highlight this necessity, including:

² UNESCO, 2005, EFA Global Monitoring Report 2006, UNESCO, Paris, p. 58.

³ UNESCO, 2004, EFA Global Monitoring Report 2005, UNESCO, Paris, p. 30.

⁴ Dakar Framework for Action, 2000, http://www.unesco.org/education/efa/ed_for_all/framework.shtml

Action Line 6: Encouraging linguistic diversity – while respecting the mother tongue – at all levels of education, wherever possible, and fostering the learning of several languages from the earliest age.

Action Line 7: Promoting through education an awareness of the positive value of cultural diversity and improving to this end both curriculum design and teacher education.

Action Line 8: Incorporating, where appropriate, traditional pedagogies into the education process with a view to preserving and making full use of culturally appropriate methods of communication and transmission of knowledge.

Concepts Related to Arts Education

1. Arts Fields

People in all cultures have always, and will always, seek answers to questions related to their existence. Every culture develops means through which the insights obtained through the search for understanding are shared and communicated. Basic elements of communication are words, movements, touch, sounds, rhythms and images. In many cultures, the expressions which communicate insights and open up room for reflection in people's minds are called "art". Throughout history labels have been put on various types of art expressions. It is important to acknowledge the fact that even if terms such as "dance", "music", "drama" and "poetry" are used world-wide, the deeper meanings of such words differ between cultures.

Thus, any list of arts fields must be seen as a pragmatic categorization, ever evolving and never exclusive. A complete list cannot be attempted here, but a tentative list might include performing arts (dance, drama, music, etc.), literature and poetry, craft, design, digital arts, storytelling, heritage, visual arts and film, media, and photography.

The arts should be gradually introduced to learners through artistic practices and experiences and maintain the value of not only the result of the process, but the process itself. Furthermore, since many art forms cannot be limited to one discipline, the interdisciplinary aspect of arts, and the commonalities among them, must be given more emphasis.

2. Approaches to Arts Education

Imagination, creativity and innovation are present in every human and can be nurtured and applied. There is a strong connection between these three core processes. As Sir Ken Robinson has noted, imagination is the characteristic feature of human intelligence, creativity is the application of imagination, and innovation completes the process by utilizing critical judgement in the application of an idea.

Any approach to Arts Education must take the culture(s) to which the learner belongs as its point of departure. To establish confidence rooted in a profound appreciation of one's own culture is the best possible point of departure for exploring and subsequently respecting and appreciating the cultures of others. Central to this is acknowledging the perpetual evolution of culture and its value both in historical and contemporary contexts.

Educational content and structure should not only reflect the characteristics of each art form but also provide the artistic means to practice communication and to interact within various cultural, social and historical contexts.

In this regard, there are two main approaches to Arts Education (which can be implemented at the same time and need not be distinct). The arts can be (1) taught as individual study subjects, through the teaching of the various arts disciplines, thereby developing students' artistic skills, sensitivity, and appreciation of the arts, (2) seen as a method of teaching and learning in which artistic and cultural dimensions are included in all curriculum subjects.

The Arts in Education (AiE) approach, utilizes the arts (and the practices and cultural traditions related to those arts) as a medium for teaching general curriculum subjects and as a way to deepen understanding of these subjects; for example, using colours, forms and objects derived from the visual arts and architecture to teach subjects such as physics, biology and geometry; or introducing drama or music as a method to teach languages. Drawing on the theory of "multiple intelligences", the AiE approach aims to extend the benefits of Arts Education to all students and subjects. This approach also aims to contextualize theory through the practical application of artistic disciplines. To be effective, this interdisciplinary approach requires changes in teaching methods and in teacher training.

3. Dimensions of Arts Education

Arts Education is structured through three complementary pedagogical streams:

- Study of artistic works.
- Direct contact with artistic works (such as concerts, exhibitions, books, and films).
- Engaging in arts practices.

That is, there are three dimensions to Arts Education (1) the student gains knowledge in interaction with the artistic object or performance, with the artist and with his or her teacher; (2) the student gains knowledge through his or her own artistic practice; and (3) the student gains knowledge through research and study (of an art form, and of the relationship of art to history).

Essential Strategies for Effective Arts Education

High quality Arts Education requires highly skilled professional art teachers, as well as generalist teachers. It is also enhanced by successful partnerships between these and highly skilled artists.

Within this framework, at least two main objectives need to be addressed:

- Give teachers, artists and others access to the materials and education they need to do this. Creative learning needs creative teaching.
- Encourage creative partnerships at all levels between Ministries, schools, and teachers and arts, science and community organizations.

Successful partnerships are dependent on mutual understanding of the goals towards which the partners are working, and mutual respect for each other's competencies. In order to lay the groundwork for future collaboration between educators and artists, the competencies with

which educators as well as artists enter their profession need to encompass insights into the other's field of expertise – including a mutual interest in pedagogy.

Programmes for teacher and artist education need to be revised to equip teachers and artists with the knowledge and experience necessary to share the responsibility for facilitating learning, and be able to take full advantage of the outcomes of cross-professional cooperation. To promote such cooperation entails specific arrangements which represent new challenges to most societies.

Thus, there are two main essential strategies for achieving effective Arts Education: relevant and effective education of teachers and artists, and the development of partnerships between education and cultural systems and actors.

1. Education of teachers and artists

This relates to the often very different experiences and perspectives that teachers of general subjects, arts teachers, and artists have concerning educational and cultural processes and practices. The more effective education of all of these actors in Arts Education, broadly defined, is therefore essential.

- Education of teachers of general subjects

In the best of circumstances, teachers (and school administrators) should be sensitive to the values and qualities of artists and have an appreciation for the arts. Teachers must also be provided with the skills to enable them to cooperate with artists in educational settings. This will allow them to reach their own personal potential as well as utilize the arts in teaching. It might also ensure that they have some knowledge of how to produce or perform works of art; the ability to analyse, interpret, and evaluate works of art; and an appreciation of works of art of other periods and cultures.

Taking into account the fact that the arts can help learning in areas that have been traditionally considered general curricula, primary teachers, especially, often use the Arts in Education (AiE) approach. For example, songs can be used to memorize key words in language, definitions in science and social studies or some mathematical concept or formula. Integrating the arts into the teaching of other subjects, especially at primary level may be one way of avoiding curriculum overload that some schools may experience. However this integration may not be effective if there is not specific teaching of the arts in parallel.

- Education for arts teachers

Teaching the arts must go further than simply teaching learners specific skills, practices, and bodies of knowledge. Therefore, in addition to studio competency, Arts Education programmes should move toward broader teacher preparation. Art teachers should be encouraged to draw on the skills of other artists, including those from other disciplines, while also developing the skills required to cooperate with artists and with teachers of other subjects in an educational setting.

Fully articulated arts teacher education programmes may encourage the development of knowledge and skills in:

- One or more arts disciplines
- Interdisciplinary arts expression
- Methodologies for teaching the arts
- Methodologies for interdisciplinary teaching in and through the arts
- Curriculum design
- Assessment and evaluation appropriate for arts education
- Formal (school based) arts education
- Informal (community based) arts education

Moreover, good schools alone will never be good enough. As discussed below, Arts Education can often be enhanced by partnerships with a wide range of individuals and organizations in the community. Activities such as visiting art museums and galleries or attending live performances, Artists in School (AIS) programmes, and Environmental Education through Arts Education, are valuable educational opportunities for teachers and students in all learning contexts.

There is also a need to focus on the use of new technologies in artistic creation, electronic music and new media, as well as online teaching in relation to preparing teachers of Arts Education. The use of new technologies has expanded the role of Arts Education and provides new roles for art teachers in the 21st century. These technologies can serve as an essential platform for collaboration among art teachers and between art teachers, artists, scientists and other educators.

Computer art, for example, has become accepted as an art form, as a legitimate form of art production, and as a method of teaching art. Nevertheless, computer art is not widely taught in schools. This is because while teachers of the fine arts, for example, are highly motivated to teach computer art in their classrooms, they often lack experience, pedagogical training, and resources.

Subject teachers at secondary school level may assign tasks that require collaboration among other specialized subjects. For example, the area of business and technology may be incorporated into the commercial aspect of the arts, or students may be given projects that connect the arts to history or social studies. This approach requires understanding about the value of Arts Education on the part of teachers of other subject areas.

Finally, it is important, at least at the local and perhaps national level, to establish guidelines and standards for art teacher preparation in pre-service education. Various sets of standards have been developed⁵ and may serve as a frame of reference for each country's efforts in planning, implementing, and evaluating their own Arts Education programmes.

(See Case Study in the Annex)

- Education for artists

Artists of all disciplines, as well as cultural professionals, should also be given the opportunity to improve their pedagogical capabilities and develop the skills needed both to cooperate with educators in schools and learning centres and, more directly, to communicate and interact

⁵ Principally in the USA, such as: Early Adolescence through Young Adulthood Art standards by the National Board for Professional Teaching Standards (NBPTS), Standards for Art Teacher Preparation , Purposes, Principles, and Standards for School Art Programmes, and The National Visual Arts Standards.

effectively with learners. Joint activities and projects between artists-in-training and teachers-in-training can also help to ensure future collaboration.

(See Case Study in the Annex)

As with the development of partnerships between cultural and educational institutions and perspectives, the improvement and enrichment of the education of all those involved in Arts Education is crippled by a lack of financial resources and, especially in non-urban settings, cultural resources such as libraries, theatres, and museums.

2. Partnerships

Although creativity is ranked very high in most policy documents, there exists a lack of fundamental recognition of the importance of quality education as a principal means to facilitate creativity. Implementing Arts Education programmes is neither expensive nor difficult to put into practice if the philosophy behind it rests on partnerships.

With this in mind, a joint responsibility for Arts Education within the Ministries responsible for Culture and/or Education and between the various mechanisms that secure the implementation and evaluation of Arts Education programmes is needed; with each entity clearly aware of its contribution to the process. The creation of synergies between the arts and education in the promotion of creative learning can best be achieved through the following types of partnerships.

- **Ministerial level or municipality level**

Partnerships may exist between separate entities of the Ministry of Culture, the Ministry of Education, and Ministries of higher education and research in forming joint policies and budgets for class projects that take place inside or outside school hours (curricular and extra-curricular). Arts and education may also be united on a policy level among Ministries of Education and Culture and municipalities (which often are the entities in charge of both educational and cultural institutions) to link the education system and the cultural world, through implementing projects of cooperation between cultural institutions and schools. These partnerships intend to place art and culture at the centre of education rather than at the margins of the curriculum.

(See Case Study in the Annex)

- **School level**

Throughout the world, most cities, towns and villages have some kind of cultural facility. In the current environment it is recognized that the learning process is no longer limited exclusively to schools. New possibilities of pedagogy have resulted from the development of partnerships between schools and cultural institutions. In some countries, there is long-standing collaboration between these institutions; however, the extent and effectiveness of these partnerships vary widely.

Support and genuine commitment by both cultural institutions and schools are vital to ensure the success of the collaboration. Close partnerships have brought about innovative programmes, mainly in the form of visits to cultural institutions. Such visits provide students

with a wealth of information, artistic encounters and opportunities to see and get absorbed into artistic processes, and also provide vast potential for integrated teaching practices. In primary education – where young children respond strongly to visual learning – active collaboration between institutions can provide opportunities for enriched teaching methods.

(See Case Study in the Annex)

- **Teacher level**

Effective partnerships are also fruitful for teachers. By inviting artists, with their experience and expertise in movement, words, sound and rhythm, images, to develop a project, on a partnership basis, in in-school and extra-curricula programmes, teachers can benefit from new experiences which can enrich their teaching methods. In-school projects might involve collaboration between the artist, the teacher, and the school, and are designed to match the age of the participants, the teaching methods, and the duration of the classroom activity.

In some cases, cultural institutions provide comprehensive online teaching resources for teachers, arts educators, families and students.

(See Case Study in the Annex)

There are many challenges to the development of such partnerships. Budgets for anything related to Arts Education, if they exist, may be centralized in one ministry or department with little opportunity (or willingness) to share them with another. Government bureaucracies, at all levels, are sometimes narrow in their perspectives with little motivation for cooperation. And, of course, there are differences in the individual and structural “cultures” between the educational and cultural fields.

Research on Arts Education, and Knowledge Sharing

Building creative capacities and cultural awareness for the 21st Century through Arts Education requires informed decision-making. For decision makers to accept and endorse the implementation of Arts Education and Arts-in-Education, it is necessary to provide evidence of its effectiveness.

It can be argued that creativity as expressed through culture is the world’s most equitably distributed resource. However, research indicates that certain education systems can stifle creativity while others can promote it. The assumption is that Arts Education is one of the best media for nurturing creativity (when the methods of teaching and learning support it), but the mechanisms for this are not well documented and the argument is therefore not well received by policy makers. Further research into this area is therefore needed.

While there has been some research into Arts Education as an educational field, and evidence supporting the benefits of integrating the arts into education exists, in many countries this evidence is scarce, anecdotal and difficult to access.

While there are many cases of successful design and implementation of arts education programmes, they often fail to convey their theoretical assumptions or fail to adequately document their outcomes. There are therefore few best-practice case studies which can be used to support advocacy processes. This lack of a readily accessible body of information is deemed

as a major setback for improving practice, influencing policy making, and integrating the arts into educational systems.

As discussed, the nature of learning activities in Arts Education includes the creating of art, as well as reflecting on the appreciation, observation, interpretation, critique and philosophising about creative arts. These characteristics of the nature of teaching and learning in Arts Education have important implications for research methods in art. Researchers in Arts Education must look, think, and observe both from an artistic and pedagogical perspective.

Such research can take place at the global, national, and institutional level, or be discipline-based, and should focus on such areas as:

- Descriptions of the nature and extent of current Arts Education programmes.
- The links between Arts Education and creativity.
- The links between Arts Education and social abilities/active citizenship/empowerment.
- Evaluations of Arts Education programmes and methods, in particular of the value they add in terms of social and individual outcomes.
- The diversity of methods for delivering Arts Education.
- The effectiveness of Arts Education policies.
- The nature and impact of partnerships between education and culture in the implementation of Arts Education.
- The development and use of teacher education standards.
- Assessment of students' learning in Arts Education (evaluating best practice in assessment techniques).
- The influence of cultural industries (such as television and film) on children and other learners in terms of their education in the arts, and methods to ensure the cultural industries provide citizens with responsible kinds of Arts Education.

Implementing Arts Education research should involve the following steps:

- Creating an arts research agenda and seeking funding to support it.
- Organizing seminars for research on Arts Education in order to promote research efforts.
- Conducting surveys of research interests among arts educators.
- Promoting interdisciplinary collaboration on research methodologies for Arts Education.

Finally, and more specifically, research into Arts Education can be undertaken by universities and other institutions in collaboration with a clearinghouse (or "Observatory") which collects, analyzes, repackages and disseminates information and knowledge about Arts Education. Clearinghouses are a reliable source of data for advocacy and lobbying. A clearinghouse can collect information on a specific area of interest (e.g. performing arts education), or can have a geographical range (e.g. arts education in India).

Conclusion

Building creative capacity and cultural awareness for the 21st Century is both a difficult and a critical task, but one that cannot be eluded. All forces of society must be engaged in the attempt to ensure that the new generations of this century gain the knowledge and skills and, perhaps even more importantly, the values and attitudes, the ethical principles and the moral directions to become responsible citizens of the world and guarantors of a sustainable future.

Universal education, of good quality, is essential. This education, however, can only be good quality if, through Arts Education, it promotes the insights and perspectives, the creativity and initiative, and the critical reflection and occupational capacities which are so necessary for life in the new century.

It is hoped that this Road Map will be used as a template, a set of overall guidelines for the introduction or promotion of Arts Education; to be adapted – changed and expanded as necessary – to meet the specific contexts of nations and societies around the world.

Recommendations

The participants of the UNESCO World Conference on Arts Education, having endorsed the declarations elaborated at regional and international preparatory conferences held during 2005 in Australia (September), Colombia (November), Lithuania (September), Republic of Korea (November) and Trinidad and Tobago (June), and those recommendations which were elaborated at the African and the Arab States regional discussions groups meetings held at the World Conference on Arts Education (Lisbon, 6 to 9 March 2006)⁶ reiterate the following considerations:

- Noting that the development, through Arts Education, of an aesthetic sense, creativity and the faculties of critical thinking and reflection inherent to the human condition is the right of every child and young person⁷;
- Considering that greater awareness must be created among children and young people both of themselves and of their natural and cultural environment, and that access for all to cultural goods, services, and practices must be among the objectives of educational and cultural systems;
- Recognizing the role of Arts Education in preparing audiences and different sectors of the public to appreciate artistic manifestations;
- Understanding the challenges to cultural diversity posed by globalization and the increasing need for imagination, creativity and collaboration as societies become more knowledge-based;
- Acknowledging that in many societies art traditionally was, and often continues to be, part of everyday life and plays a key role in cultural transmission and in community and individual transformation;
- Noting the essential needs of young people to have a space for artistic activities, such as community-cultural centres and art museums;
- Noting that among the most important 21st century challenges is an increasing need for creativity and imagination in multicultural societies – which Arts Education can address efficiently;
- Recognizing that there is a need for our contemporary societies to develop educational and cultural strategies and policies that transmit and sustain cultural and aesthetic values and identity so as to promote and enhance cultural diversity and to develop peaceful, prosperous, and sustainable societies;
- Taking into account the multi-cultural nature of most nations of the world, where a confluence of cultures is represented, resulting in a unique combination of communities, nationalities, and languages; that this cultural complexity has spawned a creative energy and produced indigenous perspectives and practices in education that are specific to these nations; and that this rich cultural heritage, both tangible and intangible, is under threat from multiple and complex socio-cultural, economic, and environmental changes;
- Recognizing the value and applicability of the arts in the learning process and their role in developing cognitive and social skills, promoting innovative thinking and creativity, and encouraging behaviours and values which underlie social tolerance and the celebration of diversity;

⁶ The complete version of the Declarations and Recommendations can be found in the Working document of the World Conference on Arts Education in the UNESCO Links to Education and Art portal: <http://www.unesco.org/culture/lea>.

⁷ See “Road Map for Arts Education”, pages 2 and 3.

- Recognizing that Arts Education brings about improved learning and skills development through its emphasis on flexible structures (such as related time, discipline and roles), relevance to the learner (meaningfully connected with the lives of children and their social and cultural environment), and cooperation between formal and informal learning systems and resources;
- Recognizing the convergence between the traditional conception of arts in societies and the more recent understanding that learning through the arts can lead to improved learning and skills development;
- Understanding that Arts Education, by engendering a range of cross-cutting skills and abilities and raising student motivation and active participation in class, can increase the quality of education, thereby contributing to achieving one of the six Education for All (EFA) goals of the Dakar World Conference on Education for All (2000);
- Considering that Arts Education can play a very useful role in therapy for children with disabilities, and in post-disaster and post-conflict contexts;
- Acknowledging that Arts Education, like all types of education, must be of high quality to be effective;
- Taking into account that Arts Education, as a form of ethical and civic construction, constitutes a basic tool for social integration and can help to address critical issues facing many societies, including crime and violence, persistent illiteracy, gender inequalities (including male under-achievement), child abuse and neglect, political corruption, and unemployment.
- Observing the development of information and communication technologies (ICT) in all areas of societies and economies, and the potential they represent for enhancing Arts Education;

However, a number of challenges have been identified, which are reiterated as follows:

- Recognizing that, in many countries, education policies place little value on Arts Education, which is reflected in the isolation and devaluation of this area of knowledge;
- Observing that cultural and educational systems and concerns are often dissociated, with two separate agendas often moving in parallel or even opposite directions;
- Considering that there are insufficient teacher training programmes specializing in Arts Education and that general teacher education programmes do not adequately promote the role of the arts in teaching and learning;
- Observing that artists and their participation in the processes of Arts Education are insufficiently recognized;
- Noting that there exists a vast field of experience in Arts Education that is neither researched nor systematized; and
- Acknowledging that budgets for Arts Education are either non-existent or insufficient to cover its routine and development needs;

The following recommendations have been compiled from the above-mentioned preparatory conferences and from regional discussing group meetings.

1. Recommendations for Educators, Parents, Artists, and Directors of Schools and Educational Institutions

Advocacy, Support and Education

- Raise public awareness and promote the value and social impact of Arts Education, creating a demand for Arts Education and skilled arts educators;
- Provide leadership, support and assistance for teaching and learning in and through the arts;
- Promote active participation in, and accessibility to, the arts for all children, as a core component of education;
- Encourage the use of local, contextualized human and material resources as both the providers and the content of quality education;
- Provide resources and learning materials to assist educators to develop, utilize, and share new arts-rich pedagogy;
- Provide assistance to enable Arts Education practitioners to harness technological developments which will enable Arts Education to reach marginalized groups, and facilitate the creation of innovative knowledge products and the sharing of knowledge;
- Support ongoing professional development of teachers, artists and community workers, in order to develop in professionals an appreciation of cultural diversity and enable them to develop their students' potential to create, critique and innovate;
- Encourage and promote the development of art practices through digital media;
- Set up, if they do not exist, cultural centres and other Arts Education spaces and facilities for youth;

Partnerships and Cooperation

- Encourage active and sustainable partnerships between educational contexts (formal and non-formal) and the wider community;
- Facilitate participation in learning contexts by local arts practitioners and the inclusion of local art forms and techniques in learning processes in order to strengthen local cultures and identity;
- Facilitate cooperation between schools and parents, community organizations and institutions, and mobilize local resources within communities to develop Arts Education programmes, so as to enable communities to share transmitting cultural values and local art forms;

Implementation, Evaluation and Knowledge-sharing

- Implement and evaluate collaborative school-community projects that are based on the principles of inclusive cooperation, integration and relevance;
- Encourage effective documentation and sharing of knowledge between teachers;
- Share information and evidence with stakeholders, including governments, communities, the media, NGOs and the private sector;

2. Recommendations for Government Ministries and Policy Makers

Recognition

- Recognize the role of Arts Education in preparing audiences and different sectors of the public to appreciate artistic manifestations;
- Acknowledge the importance of developing an Arts Education policy which articulates the links between communities, educational and social institutions and the world of work;

- Recognize the value of successful locally-developed, culturally-relevant Arts Education practices and projects. Recognize that future projects should replicate the successful practices implemented so far;
- Give priority to the need to generate better understanding and deeper recognition among the public of the essential contributions made by Arts Education to individuals and society;

Policy Development

- Translate the growing understanding of the importance of Arts Education into the commitment of resources sufficient to translate principles into action, in order to create a greater awareness of the benefits of arts and creativity for all and support for the implementation of a new vision for arts and learning;
- Design policies for national and regional research in the area of Arts Education, taking into account the specificities of ancestral cultures as well as vulnerable population groups;
- Encourage development of strategies for implementation and monitoring, so as to ensure the quality of Arts Education;
- Give Arts Education a permanent central place in the educational curriculum, funded appropriately, and staffed by teachers of appropriate quality and skill;
- Take research into account when making funding and programme decisions and articulate new norms of assessment of the impact of Arts Education (since it can be demonstrated that Arts Education can contribute significantly to the improvement of student performance in areas such as literacy and numeracy, as well as providing human and social benefits);
- Guarantee continuity that transcends governmental programmes in the States' public policies on Arts Education;
- Adopt regional policies in terms of arts education for all countries of a region (eg. African Union);
- Include Arts Education in Cultural Charters adopted by all Member States;

Education, Implementation and Support

- Make professional education for artists and teachers available to enhance the quality of Arts Education delivery and, where they don't exist, set up arts-education departments in universities;
- Make education of arts teachers a new priority within the education system, enabling them to contribute more effectively to the process of learning and cultural development, and make sensitization to the arts a part of the training of all teachers and of education actors;
- Make trained teachers and artists available in educational institutions and non-formal settings in order to permit and foster the growth and promotion of Arts Education;
- Implement the arts throughout the school curriculum as well as in non-formal education;
- Make Arts Education available inside and outside schools to all individuals, whatever their abilities, needs and social, physical, mental or geographical situation;
- Produce and make available to all schools and libraries the material resources necessary for the effective delivery of the arts. Including space, media, books, art materials and tools;
- Provide Arts Education to indigenous peoples in a manner appropriate to their cultural methods of teaching and learning, accessible in their own languages; recalling the principles contained in the UNESCO Declaration on Cultural Diversity;
- Study ways and means to draw up localized Arts Education programmes based on local values and traditions.

Partnerships and Cooperation

- Promote partnerships among all concerned ministries and governmental organizations to develop coherent and sustainable Arts Education policies and strategies;

- Encourage government officials at every level join forces with educators, artists, NGOs, lobby groups, members of the business community, the labour movement and members of civil society to create specific advocacy action plans and messages;
- Encourage the active involvement in education of arts and cultural institutions, foundations, media, industry, and members of the private sector;
- Integrate partnerships among schools, artists and cultural institutions into the core educational process;
- Promote sub-regional and regional cooperation in the field of arts education, in view of reinforcing regional integration;

Research and Knowledge-sharing

- Develop a complete databank of human and material Arts Education resources and make this available to all educational institutions, including via the Internet;
- Ensure dissemination of information about Arts Education, implementation and follow-up by Ministries of Education and Culture;
- Encourage the creation of collections and inventories of works of art that enrich Arts Education;
- Document the current oral culture of societies-in-crisis;

3. Recommendations for UNESCO and Other Intergovernmental and Non-governmental organizations

Advocacy and Support

- Reflect the important contributions that Arts Education can offer to all areas of society and identify Arts Education as a major cross-sectoral strategy;
- Link Arts Education with appropriate resources and to related areas such as Education for All and Education for Sustainable Development;
- Emphasize the need for bottom-up strategies that empower and validate practical, grassroots initiatives;
- Promote knowledge of socio-cultural and environmental problems through Arts Education programmes so that pupils develop values concerning their environment, a sense of belonging and of commitment to sustainable development;
- Encourage communication media to support the objectives of Arts Education and to promote aesthetic sensitivity and foster artistic values in the general public;
- Continue to include Arts Education in international programmes;
- Make provisions in budgets to foster Arts Education and to promote its inclusion in school curricula;
- Promote the development and implementation of Arts Education at different levels and in the different modalities of education programmes from an interdisciplinary and trans-disciplinary perspective, the purpose being to open up new aesthetic channels;
- Promote investments that provide Arts Education with the cultural goods, material resources and funding to:
 - Create specialized areas in schools and cultural spaces that offer a variety of forms of Arts Education;
 - Provide specialized didactic materials, including publications in mother-tongue languages;
 - Ensure the development of Arts Education and promote fair pay and working conditions for teaching professionals who are developing this area of knowledge.
- Actively encourage governments and other agencies to facilitate collaboration between ministries, departments, cultural institutions, NGOs and arts professionals;
- Convene future conferences on Arts Education in recognition of the importance of facilitating regular reflection and continuous improvement. In this regard, the Ministers and other

participants of the World Conference on Arts Education, support the offer of the Republic of Korea to host a second World Conference in Seoul.

Partnerships and Cooperation

- Facilitate coordination between cultural and educational institutions in each country so that they can agree upon and implement policies and activities for the development of Arts Education;
- Encourage the definition of abilities and mechanisms for articulating formal and non-formal Arts Education between educational and cultural institutions;
- Create cooperative networks between Member States and within their respective education and cultural systems, so as to base the successful development of Arts Education on cooperative activities and alliances;
- With reference to the partnership agreement concluded between the African Union and UNESCO after the Summit of African Heads of State and Government (Khartoum, January 2006):
 1. Support the adoption and proclamation by UN Member States of a Decade for Arts Education for All (2006-2016).
 2. Rethink the objectives of the Education-for-all strategy in order to include arts education
 3. In collaboration with the African Union, consolidate support to national institutions that endeavour to promote culture and the arts in Africa (e.g. CRAC in Togo, CELTHO in Niger...), to Arts Education institutions (public or private) as well as to initiatives from civilian organization that aim at consolidating endogenous artistic abilities
 4. Together with the African Union and intergovernmental sub-regional organizations (CEDEAO, SADDEC, CEMAC, etc.), provide support to hold an African Regional Conference on Arts Education.

Research, Evaluation and Knowledge-sharing

- Promote ongoing evaluation of the emotional, social, cultural, cognitive and creative impacts of Arts Education;
- Promote a regional system to gather and disseminate information on Arts Education;
- Promote knowledge-sharing and networking through the establishment of Arts in Education Observatories (clearinghouses), with UNESCO Chairs and the UNITWIN Network;⁸
- Promote research in the arts in order to inform the development of future initiatives in this expanding field;
- Establish an international data-base of research to provide scientifically sound evidence of the individual and social significance of Arts Education and creative involvement, including, but not limited to, such areas as the development of the integrated human being, social cohesion, conflict resolution, public health and the use of new technologies in creative expression in the schools;
- Commission case studies and research that could then be used as a guide for engaging in more participatory and practice-led research. Such a case study could lead to the development of an international network of researchers sharing methodologies and building better models of assessment with students, artists, teachers and parents as active participants. This would build capacity for the future and inform lifelong learning and assessment;
- Encourage research and rediscovery of the traditional use of arts in learning and every-day life;
- Record and evaluate bibliographical resources and other sources of information on Arts Education, with a view to their analysis, re-packaging and dissemination;
- Systematize significant experiences that can serve in preparing quality indicators for Arts Education, and promoting the exchange of experiences;

⁸ Refer to “Action Plan Asia: Arts in Asian Education Observatories”, *Educating for Creativity: Bringing the Arts and Culture into Asian Education*, Report of the Asian Regional Symposia on Arts Education, UNESCO 2005

- Facilitate the preparation and implementation of regional and international education and research projects;
- Put into place international networks to facilitate regional cooperation and sharing of best practices in implementing Arts Education policies;

Training and Support for Teachers, Schools and Artists

- Facilitate training of teachers in the theory and practice of Arts Education;
- Promote international support for training teachers and for curriculum development, to widen coverage and improve the quality of Arts Education, particularly in resource-challenged countries;
- Encourage the participation in primary and secondary education of artists, tradition-bearers and cultural promoters in order to enrich pupils' creative use of the different forms of artistic expression;
- Encourage the creation of programmes for research and lifelong training for professionals (artists, teachers, managers, planners, etc.) connected with Arts Education;
- Encourage the participation and organization of arts teachers, both nationally and internationally, so that they acquire greater social representation and professional capacity;
- Encourage the creation of Arts Education texts, materials, methodologies and teaching-learning guides;
- Encourage the incorporation of new information and communication technologies in teacher training programmes and in both formal and non-formal education processes, as means of creation, artistic expression, reflection and critical thinking.

ANNEX: Case Studies

Essential Strategies for Effective Arts Education

1. Education of teachers and artists

- Education for arts teachers

Teacher Education Partnerships for Secondary Education in Papua New Guinea

Singing, dancing, mime, sculpture, storytelling and painting are integral to the lives of indigenous communities in Papua New Guinea (PNG). Birth, adulthood, old age, death and after-death are intertwined with activities in which the arts serve as important vehicles to make sense of the world. Because of the value placed on these relationships, arts teaching and learning, as well as knowledge and skills in the arts, are important activities in PNG.

This project aims at developing partnerships between teacher educators and artists in the community to work together in educating future art teachers. The students are trainee arts teachers from the Expressive Arts Department of the University of Goroka. The principal artist is George Sari from Okiufa village, situated on the fringes of the University campus. He was taught his clan's history and stories, learned how to live in his community with his grandfather and father, and became fascinated with his clan's land and its flora and fauna. By talking and working with George, students have the opportunity to learn about their past and build their skills and knowledge in a form that can be as magical as it is "mesmerizing".

The partnership among the students, George and the Department of Expressive Arts of the University of Goroka is an example of good practice in arts teacher education.

The Artist in Community Education Programme, Canada

A specialized stream of the Bachelor of Education programme at Queen's University in Canada engages artists from various arts disciplines, including creative writing, dance, music, theatre and visual arts, in a nine-month course that meets the requirements for teacher certification, while maintaining a strong focus on the arts and creativity. In addition to demonstrating strength in an artistic discipline, an applicant must have an undergraduate degree to qualify for admission to the programme.

The course is taught by practitioners in each of the artistic and pedagogical subjects in the curriculum, who have extensive experience both as artists and as educators. Candidates achieve skills and knowledge in pedagogical practices appropriate for teaching the arts, and learn how to promote and nourish partnerships with fellow professionals and with arts and education organizations. They work with practitioners of other art forms in collaborative, interdisciplinary projects and learn how to apply their knowledge and skills as artists in educational settings, including schools, community arts centres and outreach programs run by professional arts organizations.

- **Education for artists**

The Artist Teacher Scheme in the United Kingdom

The Artist Teacher Scheme is part of an expanding national provision for the continuing professional development of art and design teachers. Twelve centres currently operate in England, one in Scotland and two in Wales. Each is a collaboration between a major gallery or museum of contemporary art, a university school of fine art or college of art and the National Society for Education in Art Design which manages the scheme. Arts Council England, the Scottish Arts Council and the Welsh Arts Council provide core funding.

The varied programmes of these centres offer participating artist teachers opportunities to extend their awareness of the richness and complexity of contemporary fine art practice and of the diversity of thinking and influences that inform it. Artist teachers can reappraise, reinforce or re-engage with their own thinking and personal development as artists and become part of a strong professional community. These schemes also aim to significantly improve standards of teaching and learning in art and design in schools and colleges through the development of the individual practice of artist teachers. A variety of Introductory Courses (up to five days' intensive practical and theoretical workshops and seminars), an Intermediate Programme of co-ordinated workshops, seminars and gallery or studio visits, and courses leading to the award of a Masters degree are available.

More information can be found at <http://www.nsead.org/cpd/ats.aspx>

2. Partnerships

- **Ministerial level and municipality level**

Methods for Partnership, Lithuania

To form stronger ties between the culture and education sectors in Lithuania, the Ministry of Education and Science has introduced national-level initiatives that offer extra-curricular arts activities for children. The majority of the projects are formulated at government level and have the organizational support of municipalities, NGOs, and national arts, youth and tourism centres. The initiatives aim to keep children occupied after school hours, foster creativity and self-expression, support artistically gifted children, and promote cultural awareness and knowledge of the local environment and community.

Laboratories of Investigation-Creation, Colombia

As part of the “National Plan for the Arts” of the Ministry of Culture of Colombia, the Laboratories of Investigation-Creation have been established to promote the development of visual arts and to encourage partnerships among cultural, academic and artistic institutions. Operating at a regional level, they establish a meeting space for artists and teachers to facilitate the exchange of artistic and pedagogical practices in light of developing future configurations in arts training and Arts Education. The Laboratories also are a source in creating an inter-regional perspective of artistic and pedagogic practices and a subsequent circulation of pedagogic models to regions that are less developed in this area.

Norwegian Cultural Rucksack

About five years ago, the Norwegian government initiated a scheme called “The Cultural Rucksack”. The aim of the scheme is that all students, from grades one through ten, should, on a regular basis and as an integrated part of the school curriculum, experience encounters with high quality artists and artistic expressions.

Through a nationwide structure which is founded on cooperation between school and cultural authorities on national level as well as regional and local levels, partnerships have been established between arts organizations and institutions and the school system. Every school in the country now includes in its annual programme visits by performing artists and visits to museums and other cultural venues. The scheme also includes art workshops and performances where students, and sometimes school staff, work together with professional artists.

The general impression is that the scheme is well received by local schools although there are obvious challenges regarding developing competencies among artists and teachers which will enhance the educational effects of the scheme and establish a basis of mutual understanding among all actors involved in regard to the scheme’s potential.

- **School level**

Pilot Project for School Level Partnership in the Republic of Korea (2004-2006)

This initiative aims at building a model of cooperation and institutionalizing a necessary network in the community to establish a foundation for long-term Arts Education planning in schools. Within this frame, the Korea Culture and Arts Education Service (KACES) supported 64 projects nationwide in 2005, which varied in modalities of partnerships with local artist groups, practitioners, and arts organizations using arts centres, museums, galleries, etc, as classrooms for arts education.

In collaboration with another initiative, “Artist-in-School”, designed to engage artists in education by providing them with pre-service education, the pilot initiative has met the demand for Arts Education in schools by securing professional instructors in areas of new interest such as drama, dance, film and media. The result has been the dispatching of around 1500 artist-turned-instructors to 3000 schools.

Museum assistance for implementing learning through arts pedagogy, a programme suggested by Guggenheim Museum (USA, Spain 2006)

The “Learning through Art” educational programme is designed to provide backup for subjects on the school curriculum by taking artists into state schools to work closely with teachers and their pupils. In “Learning through Art” (LTA), schoolchildren are encouraged to learn in a variety of ways, by talking, exploring, acting and creating. As children are, in general, receptive to learning through artistic activities, the workshops are genuinely effective in reinforcing areas of the curriculum and in developing reading, writing and language skills. By taking part in the creative process, they acquire skills in planning and conducting projects, working in teams and thinking critically. LTA is a way of reaching children who might

otherwise experience problems in following traditional teaching methods and, more importantly, generally helps increase children's self esteem and personal growth.

Each programme is unique and individualized, taking into account the interests, shortcomings and abilities of each class, and may cover any area or theme in the curriculum, from natural sciences to mathematics. When teachers have identified a subject in the curriculum that needs extra support, and have defined the targets they need to set and the skills and attitudes they want to encourage and stimulate, the artist and the Museum educator create a series of workshops divided into teaching units. The hour-and-a-half workshops, covering anything from photography, painting and sculpture to video, digital art and music, are held at the school once a week over twenty weeks.

Together with the teachers themselves, the artists working with the programme have a critical role in stimulating the work the children do and in encouraging them to apply to the subjects on the school curriculum the kind of conceptual thought proper to artistic creativity.

- **Teacher level**

Windmill Performing Arts, Australia

Windmill Performing Arts is an initiative focused on developing collaboration between artists, teachers, companies and institutions in commissioning new work, setting up partnerships, co-presentations, touring and research.

Since its inception in 2002, the company has been producing children's performances in theatre, opera, music, dance, ballet and puppetry on a national and international level.

Underpinning their activities is the cognitive and holistic development of children. To this end, they have initiated strategic programmes in partnership with university institutions and the education sector, such as professional training for both educators and artists, arts-based workshops for families and arts education research.

One of their projects, in partnership with a university, is "Children's Voices", a longitudinal research project exploring and documenting the impact of performance on children's learning. The research is used to inform the creation of future Windmill performances and to formally document and assess arts education in an Australian context.

The Oak of Finland Cultural Heritage Project

It is very common in Finland for teachers to invite artists into the learning environment or organize visits to cultural institutions or events. What is not common is teacher collaboration with on-line programmes.

One of the successful examples that can be mentioned within this framework is the "Oak of Finland Plus". This is a joint initiative of the National Board of Antiquities, National Board of Education and Ministry of the Environment for the development of heritage education through partnerships. In Finland, Cultural Heritage education is considered as the new core curriculum. In this context, the project aims to teach cultural literacy, understand global cultures and develop methods for cultural heritage education through schoolteachers,

museums, regional environmental centres, National Board of Education and the National Board of Antiquities. Schools and museums were initially asked to join the project via the internet and then implemented the project with the aid of the programme's homepage, journals and CD-ROMS. In total, 400 schools, 500 teachers, 65 museums and 15 organizations in 70 municipalities participated in the project.

Young Digital Creators (YDC)

Another on-line partnership initiative is the UNESCO's DigiArts "Young Digital Creators" (YDC) project, created in 2004. YDC is a web-based international programme designed for young people to gradually construct, through a collaborative process and digital creative tools, a deeper understanding of each other's cultural values and shared perspectives on global issues of our time. The programme aims to enhance the innovative use of arts and creativity as an expressive and communicational tool, promote cultural communication at an international level, familiarize young people with visual literacy and visual communication and mobilize youth communities with creative online learning. An average of 15 Schools or Youth Centres is invited to join each session of the programme via the internet. Together with a teacher's kit, which contains the different phases of the on-line programme and guides the teacher to implement it, an international on-line moderator, appointed by UNESCO, provides the required pedagogical assistance for students' implementation of the on-line programme. Four YDC programmes have been developed around the issues of water, peace, life in the city and HIV/AIDS. In total, more than 120 schools and Youth Centres from various geo-cultural backgrounds have participated in the 2005-6 training sessions.

Arts Education – Culture Counts

A contribution from European experts to the Seoul process

The right to Arts Education is a human right.

“Everyone, as a member of society, has the right to (...) realization, through national effort and international co-operation (...), of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” (Art. 22 Universal Declaration of Human Rights)

“Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” (Art. 27 Universal Declaration of Human Rights)

Everyone has the right to Arts Education. International declarations and conventions are aiming to protect everyone’s right to education, to provide a framework for everyone’s full and harmonious development in life and everyone’s participation in arts and culture. It is the task of the state and society to secure the formal and material conditions for everyone to exercise this right.

Arts Education is an essential dimension for lifelong learning and for the full development of personality and citizenship. Arts Education is part of all periods and all areas of life. It comprises formal, informal and non-formal education. This is building on a holistic approach to education and learning, embracing all emotional, physical, cognitive, social, aesthetic and moral human competencies. Arts Education comprises education for the arts, in the arts and through the arts. Arts Education encourages people to learn about their cultural heritage, various forms of traditional and contemporary art and everyday culture as a source and resource for their present and future life.

How people conceive and how they live their lives finds its expression in the arts and in the cultural forms of everyday life. This, in turn, affects everyone’s perception, activities and attitudes in all areas of life. Coordination and cooperation between the fields of arts and culture in education and other fields of education are therefore needed.

1. Arts Education has an intrinsic value.

The value of artistic and cultural activities lies particularly in their potential to create an unrestricted and non-committed space for social actions and critical reflection. However, Arts Education must not only be seen from a functional perspective, for example in terms of its contribution to the development of a given society or of creative industries. Arts are characterised by their open, playful and experimental handling of issues and contents and by their way of dealing with discontinuities and ambiguities.

2. Arts Education always involves reception and production of art.

Arts Education is not only aiming at ways of an enjoyable or reflected reception, it also fosters a productive and practical approach – guided as well as independent - in all artistic fields of perception, expression, composition, presentation and communication. Arts Education creates space for experiments. It enables and encourages people to get involved. Active involvement in the production of art again is one of the essential preconditions to experience the intrinsic value of the arts.

3. Arts Education contributes to the development of the individual and to the development of modern societies.

Arts Education fosters historical awareness and awareness for the importance of cultural heritage, it enhances the development of key competencies, and it bolsters personal, social, methodical and aesthetic skills and promotes tolerance and mutual understanding.

Thus Arts Education makes a large contribution to the development of those individual attitudes that are essential to achieve the key objectives in the fields of cultural diversity, intercultural understanding and sustainability, as defined by UNESCO. Participation and education are interdependent. Therefore the concept of Arts Education substantially contributes to the idea of citizenship.

4. Today, the greatest challenges are lifelong learning for all, difference and diversity, inclusion and participation, inter- and transculturality and sustainability, as well as creativity and the digital media technologies.

European societies are facing major challenges today which are concerning both each individual (development of new concepts of personality), societies at large (social cohesion in multicultural communities) as well as the use of natural resources. Media and digital information and communication technologies play an important role in influencing peoples' identity and self-expression. At the same time, the industrially shaped culture of consumption and growth in Europe will have to be transformed into a global culture of sustainability.

In its Medium-Term-Strategy 2008 through 2013, UNESCO has identified five overarching objectives designed to respond to specific global challenges. These five objectives are attaining quality education for all and lifelong learning, mobilizing science knowledge and policy for sustainable development, addressing emerging social and ethical challenges, fostering cultural diversity, intercultural dialogue and a culture of peace, and building inclusive knowledge societies. Arts Education can make substantial contributions to meet these objectives.

5. Arts Education needs investment. It must be maintained and further developed. It requires time, space, money and people.

At the end of the first decade of the 21st century, we identify six major requirements that have to be met in order to ensure consolidation and further development of Arts Education:

- integrating Arts Education in various subject matters in all schools at all levels **compulsorily** and as a cross-curricular content
- supporting professional **training** of future and already active teachers, cultural professionals, artists and non-paid staff
- reducing **inequities** in the fields of Arts Education
- fostering scientific **research** for further development in Arts Education
- strengthening cultural **diversity** and intercultural dialogue within the fields of Arts Education
- promoting **networking** and cooperation at global, national and local levels through guaranteed funds and structures in all educational fields (formal, non-formal and informal)

This contribution has been jointly elaborated by the over 50 participants of the European symposium "Arts Education – Culture Counts. Preparation for the UNESCO World Conference on Arts Education in Seoul 2010", organised by the German Commission for UNESCO and University Chair Professor Liebau, University of Erlangen-Nuremberg in cooperation with the Siemens Foundation from 30th November to 1st December 2009 in Berlin, Germany.

RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 December 2006

on key competences for lifelong learning

(2006/962/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 149(4), and Article 150(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The Lisbon European Council (23-24 March 2000) concluded that a European framework should define the new basic skills to be provided through lifelong learning as a key measure in Europe's response to globalisation and the shift to knowledge-based economies, and emphasised that people are Europe's main asset. Since then, those conclusions have been regularly restated including by the Brussels European Councils (20-21 March 2003 and 22-23 March 2005), and in the re-launched Lisbon Strategy which was approved in 2005.
- (2) The European Councils of Stockholm (23-24 March 2001) and Barcelona (15-16 March 2002) endorsed the concrete future objectives of European education and training systems and a work-programme (the Education and Training 2010 work programme) to achieve them by 2010. These objectives include developing skills for the knowledge society and specific objectives for promoting language learning, developing entrepreneurship and the overall need to enhance the European dimension in education.
- (3) The Commission Communication "Making a European Area of Lifelong Learning a Reality" and the subsequent Council Resolution of 27 June 2002 on lifelong learning ⁽⁴⁾ identified the provision of 'the new basic skills' as a priority, and stressed that lifelong learning must cover learning from pre-school age to post-retirement age.
- (4) In the context of improving the Community's employment performance, the European Councils of Brussels (March

2003 and December 2003) stressed the need to develop lifelong learning, with a particular focus on active and preventive measures for the unemployed and inactive persons. This built on the report of the Employment Taskforce, which emphasised the need for people to be able to adapt to change, the importance of integrating people into the labour market, and the key role of lifelong learning.

- (5) In May 2003 the Council adopted the European reference levels ('benchmarks'), demonstrating a commitment to a measurable improvement in European average performance. These reference levels include reading literacy, early school leaving, completion of upper secondary education and participation of adults in lifelong learning, and are closely linked to the development of key competences.
- (6) The report of the Council on the broader role of education adopted in November 2004 stressed that education contributes to preserving and renewing the common cultural background in society and to learning essential social and civic values such as citizenship, equality, tolerance and respect, and is particularly important at a time when all Member States are challenged by the question of how to deal with increasing social and cultural diversity. Moreover, enabling people to enter and stay in working life is an important part of the role of education in the strengthening of social cohesion.
- (7) The report adopted by the Commission in 2005 on progress towards the Lisbon objectives in education and training showed that there had been no progress in reducing the percentage of low achievers in reading literacy at age 15 or in raising the completion rate for upper-secondary education. Some progress was visible in reducing early school leaving, but at current rates the 2010 European reference levels adopted by the May 2003 Council will not be achieved. Participation of adults in learning is not growing fast enough to reach the 2010 reference level, and data shows that low-skilled people are less likely to participate in further training.

⁽¹⁾ OJ C 195, 18.8.2006, p. 109.

⁽²⁾ OJ C 229, 22.9.2006, p. 21.

⁽³⁾ Opinion of the European Parliament of 26 September 2006 (not yet published in the Official Journal) and Council Decision of 18 December 2006.

⁽⁴⁾ OJ C 163, 9.7.2002, p. 1.

- (8) The Framework of Actions for the Lifelong Development of Competences and Qualifications, adopted by the European social partners in March 2002, stresses the need for businesses to adapt their structures more and more quickly in order to remain competitive. Increased team-work, flattening of hierarchies, devolved responsibilities and a

greater need for multi-tasking are leading to the development of learning organisations. In this context, the ability of organisations to identify competences, to mobilise and recognise them and to encourage their development for all employees represent the basis for new competitive strategies.

- (9) The Maastricht Study on Vocational Education and Training of 2004 indicates a significant gap between the levels of education required by new jobs, and the levels of education achieved by the European workforce. This study shows that more than one third of the European workforce (80 million persons) is low-skilled whilst it has been estimated that by 2010 almost 50 % of new jobs will require tertiary level qualifications, just under 40 % will require upper secondary schooling, and only about 15 % will be suitable for those with basic schooling.
- (10) The Joint Council/Commission Report on the Education and Training 2010 work programme, adopted in 2004, reinforced the need to ensure that all citizens are equipped with the competences they need as part of Member States' lifelong learning strategies. To encourage and facilitate reform, the report suggests the development of common European references and principles and gives priority to the Key Competences Framework.
- (11) The European Youth Pact which is annexed to the conclusions of the Brussels European Council (22-23 March 2005) stressed the need to encourage the development of a common set of core skills.
- (12) The need to equip young people with necessary key competences and to improve educational attainment levels is an integral part of the Integrated Guidelines for Growth and Jobs 2005-2008, approved by the June 2005 European Council. In particular, the Employment Guidelines call for education and training systems to be adapted in response to new competence requirements through better identification of occupational needs and key competences as part of Member States' reform programmes. Furthermore, the Employment Guidelines call for ensuring gender mainstreaming and gender equality in all actions and for achieving an average employment rate for the European Union of 70 % overall and of at least 60 % for women.
- (13) This Recommendation should contribute to the development of quality, future-oriented education and training tailored to the needs of European society, by supporting and supplementing Member States' actions in ensuring that their initial education and training systems offer all young people the means to develop key competences to a level that equips them for adult life, and which forms a basis for further learning and working life and that adults are able to develop and update their key competences through the provision of coherent and comprehensive lifelong learning. This Recommendation should also provide a common European reference framework on key competences for policy makers, education and training providers, the social

partners and learners themselves in order to facilitate national reforms and exchange of information between the Member States and the Commission within the Education and Training 2010 work programme, with the aim of achieving the agreed European reference levels. Furthermore, this Recommendation should support other related policies such as employment and social policies and other policies affecting youth.

- (14) Since the objectives of this Recommendation, namely to support and supplement Member States' action by establishing a common reference point that encourages and facilitates national reforms and further cooperation between Member States, cannot be sufficiently achieved by the Member States acting alone and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Recommendation does not go beyond what is necessary in order to achieve those objectives insofar as it leaves the implementation of this Recommendation to Member States,

HEREBY RECOMMEND:

That Member States develop the provision of key competences for all as part of their lifelong learning strategies, including their strategies for achieving universal literacy, and use the 'Key Competences for Lifelong Learning — A European Reference Framework' (hereinafter referred to as 'the Reference Framework') in the Annex hereto as a reference tool, with a view to ensuring that:

1. initial education and training offers all young people the means to develop the key competences to a level that equips them for adult life, and which forms a basis for further learning and working life;
2. appropriate provision is made for those young people who, due to educational disadvantages caused by personal, social, cultural or economic circumstances, need particular support to fulfil their educational potential;
3. adults are able to develop and update their key competences throughout their lives, and that there is a particular focus on target groups identified as priorities in the national, regional and/or local contexts, such as individuals needing to update their skills;
4. appropriate infrastructure for continuing education and training of adults including teachers and trainers, validation and evaluation procedures, measures aimed at ensuring equal access to both lifelong learning and the labour market, and support for learners that recognises the differing needs and competences of adults, is in place;
5. coherence of adult education and training provision for individual citizens is achieved through close links with employment policy and social policy, cultural policy,

innovation policy and other policies affecting young people and through collaboration with social partners and other stakeholders;

HEREBY TAKE NOTE OF THE COMMISSION'S INTENTION TO:

1. contribute to Member States' efforts to develop their education and training systems and to implement and disseminate this Recommendation, including by using the Reference Framework as a reference to facilitate peer learning and the exchange of good practices and to follow up developments and report on progress through the biennial progress reports on the Education and Training 2010 work programme;
2. use the Reference Framework as a reference in the implementation of the Community Education and Training programmes and to ensure that these programmes promote the acquisition of key competences;

3. promote the wider use of the Reference Framework in related Community policies, and particularly in the implementation of employment, youth, and cultural and social policy, and to develop further links with social partners and other organisations working in those fields;
4. review the impact of the Reference Framework within the context of the Education and Training 2010 work programme and report, by 18 December 2010, to the European Parliament and to the Council on the experience gained and the implications for the future.

Done at Brussels, 18 December 2006.

For the European Parliament
The President
J. BORRELL FONTELLES

For the Council
The President
J.-E. ENESTAM

ANNEX

KEY COMPETENCES FOR LIFELONG LEARNING — A EUROPEAN REFERENCE FRAMEWORK**Background and aims**

As globalisation continues to confront the European Union with new challenges, each citizen will need a wide range of key competences to adapt flexibly to a rapidly changing and highly interconnected world.

Education in its dual role, both social and economic, has a key role to play in ensuring that Europe's citizens acquire the key competences needed to enable them to adapt flexibly to such changes.

In particular, building on diverse individual competences, the differing needs of learners should be met by ensuring equality and access for those groups who, due to educational disadvantages caused by personal, social, cultural or economic circumstances, need particular support to fulfil their educational potential. Examples of such groups include people with low basic skills, in particular with low literacy, early school leavers, the long-term unemployed and those returning to work after a period of extended leave, older people, migrants, and people with disabilities.

In this context, the main aims of the Reference Framework are to:

- 1) identify and define the key competences necessary for personal fulfilment, active citizenship, social cohesion and employability in a knowledge society;
- 2) support Member States' work in ensuring that by the end of initial education and training young people have developed the key competences to a level that equips them for adult life and which forms a basis for further learning and working life, and that adults are able to develop and update their key competences throughout their lives;
- 3) provide a European level reference tool for policy makers, education providers, employers, and learners themselves to facilitate national and European level efforts towards commonly agreed objectives;
- 4) provide a framework for further action at Community level both within the Education and Training 2010 work programme and within the Community Education and Training Programmes.

Key Competences

Competences are defined here as a combination of knowledge, skills and attitudes appropriate to the context. Key competences are those which all individuals need for personal fulfilment and development, active citizenship, social inclusion and employment.

The Reference Framework sets out eight key competences:

- 1) Communication in the mother tongue;
- 2) Communication in foreign languages;
- 3) Mathematical competence and basic competences in science and technology;
- 4) Digital competence;
- 5) Learning to learn;
- 6) Social and civic competences;
- 7) Sense of initiative and entrepreneurship; and
- 8) Cultural awareness and expression.

The key competences are all considered equally important, because each of them can contribute to a successful life in a knowledge society. Many of the competences overlap and interlock: aspects essential to one domain will support

competence in another. Competence in the fundamental basic skills of language, literacy, numeracy and in information and communication technologies (ICT) is an essential foundation for learning, and learning to learn supports all learning activities. There are a number of themes that are applied throughout the Reference Framework: critical thinking, creativity, initiative, problem solving, risk assessment, decision taking, and constructive management of feelings play a role in all eight key competences.

1. **Communication in the mother tongue** ⁽¹⁾

Definition:

Communication in the mother tongue is the ability to express and interpret concepts, thoughts, feelings, facts and opinions in both oral and written form (listening, speaking, reading and writing), and to interact linguistically in an appropriate and creative way in a full range of societal and cultural contexts; in education and training, work, home and leisure.

Essential knowledge, skills and attitudes related to this competence:

Communicative competence results from the acquisition of the mother tongue, which is intrinsically linked to the development of an individual's cognitive ability to interpret the world and relate to others. Communication in the mother tongue requires an individual to have knowledge of vocabulary, functional grammar and the functions of language. It includes an awareness of the main types of verbal interaction, a range of literary and non-literary texts, the main features of different styles and registers of language, and the variability of language and communication in different contexts.

Individuals should have the skills to communicate both orally and in writing in a variety of communicative situations and to monitor and adapt their own communication to the requirements of the situation. This competence also includes the abilities to distinguish and use different types of texts, to search for, collect and process information, to use aids, and to formulate and express one's oral and written arguments in a convincing way appropriate to the context.

A positive attitude towards communication in the mother tongue involves a disposition to critical and constructive dialogue, an appreciation of aesthetic qualities and a willingness to strive for them, and an interest in interaction with others. This implies an awareness of the impact of language on others and a need to understand and use language in a positive and socially responsible manner.

2. **Communication in foreign languages** ⁽²⁾

Definition:

Communication in foreign languages broadly shares the main skill dimensions of communication in the mother tongue: it is based on the ability to understand, express and interpret concepts, thoughts, feelings, facts and opinions in both oral and written form (listening, speaking, reading and writing) in an appropriate range of societal and cultural contexts (in education and training, work, home and leisure) according to one's wants or needs. Communication in foreign languages also calls for skills such as mediation and intercultural understanding. An individual's level of proficiency will vary between the four dimensions (listening, speaking, reading and writing) and between the different languages, and according to that individual's social and cultural background, environment, needs and/or interests.

Essential knowledge, skills and attitudes related to this competence:

Competence in foreign languages requires knowledge of vocabulary and functional grammar and an awareness of the main types of verbal interaction and registers of language. Knowledge of societal conventions, and the cultural aspect and variability of languages is important.

⁽¹⁾ In the context of Europe's multicultural and multilingual societies, it is recognised that the mother tongue may not in all cases be an official language of the Member State, and that ability to communicate in an official language is a pre-condition for ensuring full participation of the individual in society. In some Member States the mother tongue may be one of several official languages. Measures to address such cases, and apply the definition accordingly, are a matter for individual Member States in accordance with their specific needs and circumstances.

⁽²⁾ It is important to recognise that many Europeans live in bilingual or multilingual families and communities, and that the official language of the country in which they live may not be their mother tongue. For these groups, this competence may refer to an official language, rather than to a foreign language. Their need, motivation, and social and/or economic reasons for developing this competence in support of their integration will differ, for instance, from those learning a foreign language for travel or work. Measures to address such cases, and apply the definition accordingly, are a matter for individual Member States in accordance with their specific needs and circumstances.

Essential skills for communication in foreign languages consist of the ability to understand spoken messages, to initiate, sustain and conclude conversations and to read, understand and produce texts appropriate to the individual's needs. Individuals should also be able to use aids appropriately, and learn languages also informally as part of lifelong learning.

A positive attitude involves the appreciation of cultural diversity, and an interest and curiosity in languages and intercultural communication.

3. **Mathematical competence and basic competences in science and technology**

Definition:

- A. Mathematical competence is the ability to develop and apply mathematical thinking in order to solve a range of problems in everyday situations. Building on a sound mastery of numeracy, the emphasis is on process and activity, as well as knowledge. Mathematical competence involves, to different degrees, the ability and willingness to use mathematical modes of thought (logical and spatial thinking) and presentation (formulas, models, constructs, graphs, charts).
- B. Competence in science refers to the ability and willingness to use the body of knowledge and methodology employed to explain the natural world, in order to identify questions and to draw evidence-based conclusions. Competence in technology is viewed as the application of that knowledge and methodology in response to perceived human wants or needs. Competence in science and technology involves an understanding of the changes caused by human activity and responsibility as an individual citizen.

Essential knowledge, skills and attitudes related to this competence:

- A. Necessary knowledge in mathematics includes a sound knowledge of numbers, measures and structures, basic operations and basic mathematical presentations, an understanding of mathematical terms and concepts, and an awareness of the questions to which mathematics can offer answers.

An individual should have the skills to apply basic mathematical principles and processes in everyday contexts at home and work, and to follow and assess chains of arguments. An individual should be able to reason mathematically, understand mathematical proof and communicate in mathematical language, and to use appropriate aids.

A positive attitude in mathematics is based on the respect of truth and willingness to look for reasons and to assess their validity.

- B. For science and technology, essential knowledge comprises the basic principles of the natural world, fundamental scientific concepts, principles and methods, technology and technological products and processes, as well as an understanding of the impact of science and technology on the natural world. These competences should enable individuals to better understand the advances, limitations and risks of scientific theories, applications and technology in societies at large (in relation to decision-making, values, moral questions, culture, etc).

Skills include the ability to use and handle technological tools and machines as well as scientific data to achieve a goal or to reach an evidence-based decision or conclusion. Individuals should also be able to recognise the essential features of scientific inquiry and have the ability to communicate the conclusions and reasoning that led to them.

Competence includes an attitude of critical appreciation and curiosity, an interest in ethical issues and respect for both safety and sustainability, in particular as regards scientific and technological progress in relation to oneself, family, community and global issues.

4. **Digital competence**

Definition:

Digital competence involves the confident and critical use of Information Society Technology (IST) for work, leisure and communication. It is underpinned by basic skills in ICT: the use of computers to retrieve, assess, store, produce, present and exchange information, and to communicate and participate in collaborative networks via the Internet.

Essential knowledge, skills and attitudes related to this competence:

Digital competence requires a sound understanding and knowledge of the nature, role and opportunities of IST in everyday contexts: in personal and social life as well as at work. This includes main computer applications such as word processing, spreadsheets, databases, information storage and management, and an understanding of the opportunities and potential risks of the Internet and communication via electronic media (e-mail, network tools) for work, leisure, information sharing and collaborative networking, learning and research. Individuals should also understand how IST can support creativity and innovation, and be aware of issues around the validity and reliability of information available and of the legal and ethical principles involved in the interactive use of IST.

Skills needed include the ability to search, collect and process information and use it in a critical and systematic way, assessing relevance and distinguishing the real from the virtual while recognising the links. Individuals should have skills to use tools to produce, present and understand complex information and the ability to access, search and use internet-based services. Individuals should also be able use IST to support critical thinking, creativity, and innovation.

Use of IST requires a critical and reflective attitude towards available information and a responsible use of the interactive media. An interest in engaging in communities and networks for cultural, social and/or professional purposes also supports this competence.

5. Learning to learn

Definition:

'Learning to learn' is the ability to pursue and persist in learning, to organise one's own learning, including through effective management of time and information, both individually and in groups. This competence includes awareness of one's learning process and needs, identifying available opportunities, and the ability to overcome obstacles in order to learn successfully. This competence means gaining, processing and assimilating new knowledge and skills as well as seeking and making use of guidance. Learning to learn engages learners to build on prior learning and life experiences in order to use and apply knowledge and skills in a variety of contexts: at home, at work, in education and training. Motivation and confidence are crucial to an individual's competence.

Essential knowledge, skills and attitudes related to this competence:

Where learning is directed towards particular work or career goals, an individual should have knowledge of the competences, knowledge, skills and qualifications required. In all cases, learning to learn requires an individual to know and understand his/her preferred learning strategies, the strengths and weaknesses of his/her skills and qualifications, and to be able to search for the education and training opportunities and guidance and/or support available.

Learning to learn skills require firstly the acquisition of the fundamental basic skills such as literacy, numeracy and ICT skills that are necessary for further learning. Building on these skills, an individual should be able to access, gain, process and assimilate new knowledge and skills. This requires effective management of one's learning, career and work patterns, and, in particular, the ability to persevere with learning, to concentrate for extended periods and to reflect critically on the purposes and aims of learning. Individuals should be able to dedicate time to learning autonomously and with self-discipline, but also to work collaboratively as part of the learning process, draw the benefits from a heterogeneous group, and to share what they have learnt. Individuals should be able to organise their own learning, evaluate their own work, and to seek advice, information and support when appropriate.

A positive attitude includes the motivation and confidence to pursue and succeed at learning throughout one's life. A problem-solving attitude supports both the learning process itself and an individual's ability to handle obstacles and change. The desire to apply prior learning and life experiences and the curiosity to look for opportunities to learn and apply learning in a variety of life contexts are essential elements of a positive attitude.

6. Social and civic competences

Definition:

These include personal, interpersonal and intercultural competence and cover all forms of behaviour that equip individuals to participate in an effective and constructive way in social and working life, and particularly in increasingly diverse societies, and to resolve conflict where necessary. Civic competence equips individuals to fully participate in civic life, based on knowledge of social and political concepts and structures and a commitment to active and democratic participation.

Essential knowledge, skills and attitudes related to this competence:

- A. Social competence is linked to personal and social well-being which requires an understanding of how individuals can ensure optimum physical and mental health, including as a resource for oneself and one's family and one's immediate social environment, and knowledge of how a healthy lifestyle can contribute to this. For successful interpersonal and social participation it is essential to understand the codes of conduct and manners generally accepted in different societies and environments (e.g. at work). It is equally important to be aware of basic concepts relating to individuals, groups, work organisations, gender equality and non-discrimination, society and culture. Understanding the multi-cultural and socio-economic dimensions of European societies and how national cultural identity interacts with the European identity is essential.

The core skills of this competence include the ability to communicate constructively in different environments, to show tolerance, express and understand different viewpoints, to negotiate with the ability to create confidence, and to feel empathy. Individuals should be capable of coping with stress and frustration and expressing them in a constructive way and should also distinguish between the personal and professional spheres.

The competence is based on an attitude of collaboration, assertiveness and integrity. Individuals should have an interest in socio-economic developments and intercultural communication and should value diversity and respect others, and be prepared both to overcome prejudices and to compromise.

- B. Civic competence is based on knowledge of the concepts of democracy, justice, equality, citizenship, and civil rights, including how they are expressed in the Charter of Fundamental Rights of the European Union and international declarations and how they are applied by various institutions at the local, regional, national, European and international levels. It includes knowledge of contemporary events, as well as the main events and trends in national, European and world history. In addition, an awareness of the aims, values and policies of social and political movements should be developed. Knowledge of European integration and of the EU's structures, main objectives and values is also essential, as well as an awareness of diversity and cultural identities in Europe.

Skills for civic competence relate to the ability to engage effectively with others in the public domain, and to display solidarity and interest in solving problems affecting the local and wider community. This involves critical and creative reflection and constructive participation in community or neighbourhood activities as well as decision-making at all levels, from local to national and European level, in particular through voting.

Full respect for human rights including equality as a basis for democracy, appreciation and understanding of differences between value systems of different religious or ethnic groups lay the foundations for a positive attitude. This means displaying both a sense of belonging to one's locality, country, the EU and Europe in general and to the world, and a willingness to participate in democratic decision-making at all levels. It also includes demonstrating a sense of responsibility, as well as showing understanding of and respect for the shared values that are necessary to ensure community cohesion, such as respect for democratic principles. Constructive participation also involves civic activities, support for social diversity and cohesion and sustainable development, and a readiness to respect the values and privacy of others.

7. **Sense of initiative and entrepreneurship**

Definition:

Sense of initiative and entrepreneurship refers to an individual's ability to turn ideas into action. It includes creativity, innovation and risk-taking, as well as the ability to plan and manage projects in order to achieve objectives. This supports individuals, not only in their everyday lives at home and in society, but also in the workplace in being aware of the context of their work and being able to seize opportunities, and is a foundation for more specific skills and knowledge needed by those establishing or contributing to social or commercial activity. This should include awareness of ethical values and promote good governance.

Essential knowledge, skills and attitudes related to this competence:

Necessary knowledge includes the ability to identify available opportunities for personal, professional and/or business activities, including 'bigger picture' issues that provide the context in which people live and work, such as a broad understanding of the workings of the economy, and the opportunities and challenges facing an employer or organisation. Individuals should also be aware of the ethical position of enterprises, and how they can be a force for good, for example through fair trade or through social enterprise.

Skills relate to proactive project management (involving, for example the ability to plan, organise, manage, lead and delegate, analyse, communicate, de-brief, evaluate and record), effective representation and negotiation, and the ability to work both as an individual and collaboratively in teams. The ability to judge and identify one's strengths and weaknesses, and to assess and take risks as and when warranted, is essential.

An entrepreneurial attitude is characterised by initiative, pro-activity, independence and innovation in personal and social life, as much as at work. It also includes motivation and determination to meet objectives, whether personal goals, or aims held in common with others, including at work.

8. **Cultural awareness and expression**

Definition:

Appreciation of the importance of the creative expression of ideas, experiences and emotions in a range of media, including music, performing arts, literature, and the visual arts.

Essential knowledge, skills and attitudes related to this competence:

Cultural knowledge includes an awareness of local, national and European cultural heritage and their place in the world. It covers a basic knowledge of major cultural works, including popular contemporary culture. It is essential to understand the cultural and linguistic diversity in Europe and other regions of the world, the need to preserve it and the importance of aesthetic factors in daily life.

Skills relate to both appreciation and expression: the appreciation and enjoyment of works of art and performances as well as self-expression through a variety of media using one's innate capacities. Skills include also the ability to relate one's own creative and expressive points of view to the opinions of others and to identify and realise social and economic opportunities in cultural activity. Cultural expression is essential to the development of creative skills, which can be transferred to a variety of professional contexts.

A solid understanding of one's own culture and a sense of identity can be the basis for an open attitude towards and respect for diversity of cultural expression. A positive attitude also covers creativity, and the willingness to cultivate aesthetic capacity through artistic self-expression and participation in cultural life.

Arts and Cultural Education at School in Europe



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PREFACE

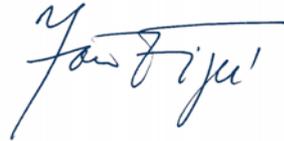


The role of arts education in forming the competences for young people for life in the 21st century has been widely recognised at the European level. The European Commission proposed a European Agenda for Culture, which was endorsed by the Council of the European Union in 2007. This Agenda acknowledges the value of arts education in developing creativity. Furthermore, the EU strategic framework for European cooperation in education and training over the next decade clearly emphasises the importance of transversal key competences, including cultural awareness and creativity.

2009 is the European Year of Creativity and Innovation and is a further recognition of the links between cultural awareness and creativity. The Year addresses themes such as fostering artistic and other forms of creativity through all levels and forms of education. At the same time, the European Parliament's 2009 Resolution on Artistic Studies in the European Union puts forward key recommendations for the development of artistic education and calls for greater coordination of arts education at the European level.

Previous research on the potential of arts education to enhance the creativity of young people has underlined the need to continuously improve its quality. To help meet this need and help identify best practices, Eurydice has produced this overview of the state of artistic and cultural education in Europe. The study contains comparative information on the provision of arts and cultural education within the curricula of 30 European countries. It covers the aims and objectives of such education, its organisation, the provision of extra-curricular activities, as well as initiatives for the development of arts and cultural education. In addition, it includes important information on pupil assessment and teacher education in the arts. It clearly shows, for example, that music and visual arts are the most widespread subjects taught in schools at primary and lower secondary level, and that the participation of professional artists in arts education is quite limited. The study draws attention to the importance of collaboration among the various actors in arts education.

I believe that this Eurydice study provides all those interested in the topic with a valuable overview of how arts and cultural education is carried out in European countries and that it will be of major interest to teachers and policy-makers alike.



Ján Figel'

Commissioner responsible for
Education, Training, Culture and Youth

29 September 2009

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INTRODUCTION

Education in European countries is subject to many competing demands which have an influence on the organisation and content of arts education. Increasing globalisation has brought both benefits and challenges, including those arising from increased international competition, migration and multiculturalism, advancements in technology and the development of the knowledge economy. The education system may be viewed as a means of preparing children for their role in an increasingly uncertain world. Schools have a part to play in helping young people to develop a secure sense of themselves, both as individuals and members of various groups within society. There is also a recognised need to encourage young people to develop a wide range of skills and interests, to identify and foster their potential and to encourage creativity.

These developments pose a number of challenges for arts education, as evidenced by the debates within policy and research.

Rationale for the study: the policy and research context

International organisations have shown an increasing interest in arts education in recent years, resulting in key policy developments which form the backdrop to this study. UNESCO has been a leading force in development of policy initiatives in education and culture within the last decade. In 1999, the Director General of UNESCO made an appeal to all stakeholders in the field of arts and cultural education to do what is necessary to ensure that the teaching of the arts gains a special place in the education of every child, from nursery school to the last year of secondary school (UNESCO 1999). This was followed by a world conference in Lisbon to mark the culmination of a five-year international collaboration between UNESCO and its partners in the field of arts education. The conference affirmed the need to establish the importance of arts education in all societies and this proved the impetus for *The wow factor: global research compendium on the impact of the arts in education* (Bamford 2006) and the *UNESCO Road Map for Arts Education* (UNESCO 2006). The Road Map aimed to provide advocacy and guidance for strengthening arts education. The document asserts that arts education helps to: uphold the human right to education and cultural participation; develop individual capabilities; improve the quality of education; and promote the expression of cultural diversity.

Similar policy developments have taken place within Europe. In 1995 the Council of Europe launched a major project focusing on *Culture, Creativity and the Young*. This examined existing provision for arts education in the schools of member states as well as the involvement of professional artists and the availability of extra-curricular activities. It resulted in a survey of arts education in Europe (see NACCCE 1999) and an international colloquy. In 2005, the Council of Europe launched a Framework Convention on the value of cultural heritage for society (Council of Europe 2005), which identified the need for European countries to preserve cultural resources, promote cultural identity, respect diversity and encourage inter-cultural dialogue. Article 13 of the framework acknowledged the important place of cultural heritage within arts education but also recommended developing linkages between courses in different fields of study. In 2008 the Council published a White Paper on intercultural dialogue (Council of Europe 2008), which offered an intercultural approach to managing cultural diversity. The paper identified educational organisations (including museums, heritage sites, kindergartens and

schools) as having the potential to support intercultural exchange, learning and dialogue through arts and cultural activities.

Several developments have taken place also in the context of the European Union. In 2006, during the Austrian Presidency of the Council of the European Union, an international conference was organised on the subject of *Promoting Cultural Education in Europe* (Austrian Presidency of the EU 2006). The conference was preceded by a meeting of the European Network of Civil Servants Working in the Field of Arts and Cultural Education, which was informed about a glossary intended to establish common ground for the definition of 'cultural education' and other related terms ⁽¹⁾.

In May 2007, the Commission produced a Communication on a European agenda for culture in a globalising world (European Commission 2007). The communication was answered in November 2007 by a resolution of the Council on a European Agenda for Culture (Council of the European Union 2007a). This recommended 'encouraging art education and active participation in cultural activities with a view to developing creativity and innovation'. The resolution was followed by a Work Plan for Culture 2008-10 (Council of the European Union 2008). The Commission recognised the importance of culture and creativity by designating 2008 as the European Year of Intercultural Dialogue and 2009 as the Year of Creativity and Innovation.

The 2007 Council Resolution also introduced a new open method of coordination (OMC) in the field of culture. Within the framework of this OMC, a working group on synergies between culture and education was formed to promote the key competence of 'cultural awareness and expression' ⁽²⁾. The working group was charged with validating best practice and making recommendations for new initiatives to promote cooperation between culture and education (including arts education) in the Member States.

In March 2009, the European Parliament passed a resolution on Artistic Studies in the European Union (European Parliament 2009). Key recommendations included: artistic education should be compulsory at all school levels; arts teaching should use the latest information and communications technologies; teaching of art history must involve encounters with artists and visits to places of culture. In order to make progress on these issues, the resolution called for greater oversight and coordination of arts education at European level, including monitoring the impact of arts teaching on the competencies of students in the European Union.

Besides these major developments in international and European cooperation, there have been a number of smaller conferences and initiatives, some of which have led to changes in arts and cultural education policy. Such conferences include the one organised by The Ministry of Education, Culture and Science in the Netherlands in 2001 on the content and position of arts and cultural education in European secondary schools (Cultuurnetwerk Nederland 2002), a European and International Symposium on Arts Education ⁽³⁾, and an international conference on youth culture, education, citizenship and teacher education organised by the Flemish Ministry of Education and the Dutch

⁽¹⁾ See the Glossary at: <http://www.cultuurnetwerk.nl/glossary/>

⁽²⁾ See the website of the working group: http://ec.europa.eu/culture/our-policy-development/doc1573_en.htm

⁽³⁾ See the website of the Symposium:
<http://www.centrepompidou.fr/Pompidou/Pedagogie.nsf/0/D9E5FC50EAF95536C12570D7004A1A24?OpenDocument&L=2>

Ministry of Education, Culture and Science to coincide with the European Year of Creativity and Innovation ⁽⁴⁾.

At the same time, three international bodies representing arts educators in drama/theatre, visual arts and music came together to form a world alliance (International Society for Education through Art 2006). They called upon UNESCO to make arts education central to a world agenda for sustainable human development and social transformation.

Another initiative was taken by *The Association Européenne des Conservatoires, Académies de Musique et Musikhochschulen* (AEC). AEC has been collecting information on national systems for professional music training for some years. Their website ⁽⁵⁾ is mainly the result of the 'Polifonia' and 'Mundus Musicalis' projects.

Questions raised: what research has (not) taught us

There are only a small number of international and pan-European research studies of arts education based on which the questions posed in this study can be formulated. Their main themes and findings are outlined below.

- **Do all areas in the curriculum have an equal weight? What is the place of arts in national curricula?**

Existing research confirms that a hierarchy exists within the curriculum, whereby reading, writing and numeracy are prioritised. Furthermore, within the arts, particular art-forms (especially visual art and music) tend to be prioritised over others (such as drama and dance). A survey of arts education in Europe (Robinson 1999) took place as part of the Council of Europe's initiative on *Culture, Creativity and the Young*. The study found that all national policy statements on education routinely emphasise the importance of the cultural dimension and the need to promote the artistic and creative abilities of young people. In practice, the status and provision of the arts in education was less prominent. The main disciplines taught were art and music. In the majority of national systems, the arts were compulsory in primary education and for the first two or three years of secondary education. Beyond this point, almost universally, the arts were optional. In all examined cases, the arts had a lower status than mathematics and science. In some countries, attempts were being made to reduce existing provision for the arts in the curriculum in favour of subjects which were thought to be more directly relevant to economic or academic success.

Similar findings were reported in subsequent international studies (Sharp and Le Métails 2000; Taggart et al. 2004). Two main approaches to framing the arts in the national steering documents were identified: a generic arts domain (also called an 'integrated area') or separate subjects. One of the concerns about a subject-based approach was the place of drama and dance, which were often subsumed within other subject areas. In particular, it was recognised that it may be difficult to promote the expressive qualities of dance within a subject area focused on physical exercise and sport. Taggart et al. (2004) found that visual arts and music were studied as part of the compulsory subject in all 21 countries surveyed. Approximately half of the countries/states surveyed required pupils to

⁽⁴⁾ See the website of the CICY conference: <http://www.cicy.eu/>

⁽⁵⁾ See: <http://www.bologna-and-music.org/countryoverviews>

study one or more arts disciplines until the age of 16. The remaining countries/states required pupils to study the arts until the age of 14 or presented arts subjects as voluntary options for older secondary students.

The relatively low status accorded to arts subjects is reflected in the relative lack of attention paid to assessment and monitoring of standards in arts teaching (Bamford 2006; Taggart et al. 2004). Research has also highlighted concerns that the time officially allocated to arts education, and the time actually provided within schools, is insufficient to deliver a broad and balanced curriculum (Robinson 1999; Sharp and Le Métails 2000; Taggart et al. 2004). A lack of time, space and resources has been identified as key factors inhibiting the success of arts education (Bamford 2006).

- **What are the aims of arts education? Do all goals have an equal weight?**

There are increasing pressures on arts education to fulfil a variety of aims, in addition to teaching about the arts. Educational systems are increasingly recognising the importance of developing children's creativity and contributing to cultural education, but it is not necessarily clear how the arts are expected to contribute either as individual subjects or by working with other curriculum areas. Taggart et al. (2004) found that nearly all of the 21 countries/states in their international study had similar aims for the arts curriculum. These included: developing artistic skills, knowledge and understanding, engaging with a variety of art-forms; increasing cultural understanding; sharing arts experiences; and become discriminating arts consumers and contributors. But in addition to these artistic outcomes, personal and social/cultural outcomes (such as confidence and self-esteem, individual expression, teamwork, intercultural understanding and cultural participation) were expected from arts education in most countries. In particular, a new focus on creativity (often in relation to its importance in innovation) and cultural education (in relation to both individual identity and promoting intercultural understanding) is apparent in the goals of arts education. This raises questions about the ability of the arts curriculum to fulfil such diverse and wide-ranging aims.

- **How are teachers prepared for arts teaching and what opportunities exist for them to update their skills? How do educational systems monitor standards of teaching in the arts?**

As Bamford (2006) points out, many educational systems rely on generalist teachers to teach arts subjects, especially to younger children. Teaching the arts to a high standard is challenging, so it is not surprising to find that primary teachers in particular lack confidence in teaching the arts (Taggart et al. 2004). There would appear to be a need to consider both the initial preparation of teachers to teach arts subjects and the arrangements for continuing professional development, to enable arts teachers to update their knowledge and develop their skills.

The arrangements for monitoring teaching quality in the arts has received little attention in recent research studies, although there are frequent references to concerns about variability of standards and the need to provide high-quality learning experiences in schools (Bamford 2006; Robinson 1999; Sharp and Le Métails 2000; Taggart et al. 2004).

Robinson (1999) highlighted a structural issue inhibiting the development of coherent arts education in schools. Governmental responsibilities for the arts and education are often divided between two or more separate ministries of education and culture, and sometimes of youth and sport, which can make it difficult to achieve a common understanding of needs and priorities. He went on to argue that, where

previously separate ministries have been brought together, there are mutual benefits in terms of increased understanding, improved efficiency and effectiveness.

- **Do teachers assess pupils' progress in the arts, and if so, how?**

There is a need to monitor pupils' progress throughout the curriculum, but assessment in the arts is viewed as particularly challenging. A recent study by Bamford (2009) considers the evaluation of arts and cultural education in a European context. She argues that the main purpose of assessment in the arts should be to focus, clarify and make more concrete the aims for learners within a programme. Assessment can be used both formatively (during learning) and summatively (at the end of a learning sequence) to provide evidence of pupils' learning. Challenges for arts assessment include the trend towards more integrated approaches to arts and cultural education and the fact that responsibility for arts assessment is often shared among a number of agencies who need to collaborate and plan together. Bamford also draws attention to the need for assessment itself to be a creative act, arguing that assessment methods must capture the different kinds of learning a child experiences as a performer or as an appreciator as well as a maker.

Previous research has noted that assessment in arts subjects, where it is required, is commonly the responsibility of teachers who may or may not receive adequate training and guidance for this task (Taggart et al. 2004). Taggart et al. (2004) found that the main methods of assessment used by teachers were to ask pupils to produce a performance or artwork in response to a given theme and to consider pupils' design process, recorded in their portfolios. Three main approaches to assessment were identified. The first required teachers to make an individual professional judgment in relation to the aims and content of the curriculum. The second involved the teacher in marking pupils' performance against a common standard expected of a given age-group/grade. The third asked the teacher to ascribe a level of progress to each pupil using a graduated scale, regardless of age/grade. Most countries used the first two approaches to assessment. These systems have the potential to identify pupils making good or poor progress, but questions of validity, reliability and the consequences of different systems for teaching and learning have not been fully explored.

- **There appears to be an expectation that schools will offer extra-curricular opportunities in arts and culture, but do all young people have equal access to these activities regardless of their backgrounds?**

Children's access to arts and cultural experiences (such as visits to museums) has been a matter of interest in research studies, especially because schools have the potential to redress inequality by providing access to cultural resources for children from disadvantaged backgrounds (see Robinson 1999; Sharp and Le Métails 2000).

- **Are professional artists involved in arts education, and if so, how?**

The involvement of professional artists in arts education has been recommended in several studies (Bamford 2006; Robinson 1999; Sharp and Le Métails 2000). The main reasons given for this are: to raise the quality of arts teaching and learning, encourage greater creativity, improve teachers' skills and confidence, and provide access to a wider range of cultural resources. Bamford (2006) identified a connection between the quality of arts education and the involvement of professional artists: 'Quality arts education tends to be characterised by a strong partnership between schools and outside arts

and community organisations'. To date, we know relatively little about the nature and extent of national systems to enable partnerships of this kind.

- **How should the arts curriculum respond to the development of new technology, new media and the recommendation for more cross-curricular work?**

Research studies (Bamford 2006; Sharp and Le Métails 2000; Taggart et al. 2004) have highlighted the pressure for curriculum development in the arts in the 21st Century, to include the study of new media (including film, photography and digital arts) and to enable pupils to use ICT as part of the creative process. There would also appear to be a trend for more cross-curricular work, involving arts and other (non-arts) subject areas working together on creative and/or cultural themes. These developments all place new demands on teachers and schools which require leadership and support at policy level.

Focus and scope of the study

The themes and issues identified in previous research are reflected in the current study, which presents up-to-date, comprehensive and comparable information on arts education policy in Europe. The study covers the aims and objectives of arts education, its organisation, initiatives, and recommendations for development and planned reforms. It includes information on pupil assessment and teacher education in the arts. In doing so, the authors and contributors aim to provide useful information for decision-makers and stakeholders.

The main focus of this study is on arts education, although some information on cultural and creative education related to arts education can also be found in Chapter 1. When the study considers cultural education and creativity, it is primarily *within* the arts curriculum: coverage is limited in relation to broader, cross-curricular content focusing on developing creativity or teaching about cultural heritage outside the arts. Definitions for the terms 'cultural and creative education' were based on the work of the National Advisory Committee on Creative and Cultural Education (NACCCE) in England (NACCCE 1999) ⁽⁶⁾.

The study focused on visual arts, music, drama, dance, media arts and crafts. Literature (e.g. fiction and poetry) was not included, as it normally constitutes part of the study of the 'home' language in European countries.

The following definitions were used to guide the collection of information for the study:

- Visual art: two-dimensional art, such as painting and drawing and three-dimensional art, such as sculpture.
- Music: musical performance, composition and music appreciation (in the critical sense).
- Drama: dramatic performance, play-writing and dramatic appreciation.

⁽⁶⁾ In this report, culture within education was defined as the shared values and patterns of behaviour that characterise different social groups and communities, commonly including the transmission of national, regional or local identity and/or the promotion of inter-cultural understanding. Creativity was defined as imaginative activity fashioned so as to produce outcomes that are both original and of value.

- Dance: dance performance, choreography and dance appreciation.
- Media arts: artistic and expressive elements of media such as photography, film, video and computer animation.
- Crafts: artistic and cultural elements of crafts, such as textile arts, weaving and jewellery making.
- Architecture: the art of designing buildings; the observation, planning, and construction of a space.

The study covers 30 Eurydice Network member countries ⁽⁷⁾. The reference year for data in the comparative study is 2007/08, but countries/states were invited to refer to ongoing or planned reforms from 2008/09 which may affect the arts curriculum.

This study provides information on arts and cultural education in **compulsory general education**. The levels of education concerned are primary (ISCED 1) and lower secondary (ISCED 2) (concerning children aged 5/6 to 15 years). Specialist art schools which are of importance especially in Bulgaria, Greece, Romania and Slovakia are not within the scope of this report. Furthermore, only the schools managed and funded by the public authorities are covered. However, Belgium, Ireland and the Netherlands are exceptions to this. Grant-aided private schools in these three countries are considered because they are attended by the majority of pupils. Moreover, in the Netherlands, equal funding and treatment of private and public education is enshrined in the constitution.

The report contains comparative information across European countries, together with short illustrative examples of approaches to curriculum organisation and content, student assessment and teacher education in the arts in particular countries. Further details about arts education in each country are available on the Eurydice website (www.eurydice.org).

Content and structure of the report

The report is organised into five main chapters.

The first chapter examines the aims and objectives of arts and cultural curricula. First, it describes the different levels of responsibility for developing the curricula (central, regional, local, school). Second, it presents the main learning aims and objectives defined in the different European countries. In addition to this, the chapter considers more general aims relating to cultural education and creativity across the curriculum.

The second chapter focuses on the organisation of the arts curriculum across the European countries. It examines whether the arts are organised as an integrated curriculum area or as separate subjects. In relation to this, it considers whether the arts (as a whole curriculum area or as separate subjects) are compulsory or optional and at which ISCED level. Taught time for arts subjects is documented, along with information on cross-curricular links between arts and other subjects and the use of ICT within the arts curriculum.

⁽⁷⁾ Turkey, a member of the Eurydice Network, did not contribute to this study.

The third chapter describes the various initiatives and recommendations for the development of arts and cultural education in the European countries. This includes information on the establishment of national organisations and networks to promote arts and cultural education and the development of partnerships between schools, arts/cultural organisations and artists. In addition to this, the chapter presents information on projects to develop the use of ICT in arts and cultural education, on extra-curricular activities related to the arts, and on arts-related festivals, celebrations and competitions.

The fourth chapter focuses on pupil assessment in arts subjects and monitoring of quality in teaching the arts. It contains information on internal (teacher) assessment, including the criteria and scales used. It also notes strategies for supporting pupils whose assessment results indicate particularly low or high levels of achievement in arts subjects. The chapter identifies education systems with external systems of assessment for arts subjects. The final section focuses on national data, collected via tests, inspections and surveys, which have been used to monitor the quality of teaching in arts subjects.

The fifth chapter considers the employment and training of arts teachers, including whether general or specialist teachers are employed at different levels (ISCED 1 and 2) and whether professional artists are involved in teaching. The chapter goes on to identify the regulation and compulsory elements of initial training for arts teachers. It presents information on arrangements for continuing professional development for arts teachers and on the involvement of professional artists in training prospective and practicing arts teachers.

Key findings and conclusions are presented, respectively at the beginning and at the end of the report. Changes to the arts curriculum or cultural/creative education can be found in an annex.

Acknowledgements

The information set out in this comparative enquiry was gathered from Eurydice National Units in 2008 by means of a series of questions accompanied by a list of specific terms and definitions, as noted above. The Eurydice National Units were invited to attend two preparatory meetings to agree the proposed scope and definitions adopted in the study. The Eurydice European Unit at the Education, Audiovisual and Culture Executive Agency (EACEA) is responsible for the comparative analysis. It was drafted by the European Unit and external experts in arts and cultural education based at the National Foundation for Educational Research (NFER) in England and Wales. The draft was sent to all Eurydice National Units for checking and amendment. All national contributors and authors are acknowledged at the end of the report.

KEY FINDINGS

The main **aims of arts education** are quite similar among all the countries studied. Nearly all countries mention 'artistic skills, knowledge and understanding', 'critical appreciation', 'cultural heritage', 'individual expression/identity', 'cultural diversity', and 'creativity' as objectives. However, 'arts and lifelong learning/interest' is only mentioned in 15 curricula (section 1.2).

There are important **cross-curricular links** between the arts and other areas of the curriculum. On the one hand, many arts curricula include aims for developing key skills such as 'developing social skills and communication skills' (section 1.2) and several have a specific aim of encouraging links between the arts and other (non-arts) subjects. On the other hand, acquiring cultural and artistic competence is indicated in some countries as an overall educational objective of compulsory schooling (section 2.4).

The **conception of arts curricula** varies greatly between European countries: in about half of them, each arts subject is considered separately in the curriculum (e.g. music, visual arts) while in the other half, they are conceived together as an integrated area of study (e.g. the 'arts'). The breadth of arts curricula also varies, although in all countries, curricula include music and visual arts and in many it also includes drama, dance and craft. Media arts is offered in a dozen of countries. Architecture is part of the compulsory arts curriculum in five countries (section 2.2).

All pupils at primary level have **some compulsory arts education**. This is also the case for nearly all in lower secondary education. At this level, when arts subjects are not compulsory, they may be chosen as optional subjects (section 2.2).

The minimum **compulsory taught time** to be spent on arts education amounts to approximately 50 to 100 hours per year at primary level in around half of the countries studied. These numbers are slightly lower at lower secondary level where around half of the countries dedicate about 25 to 75 hours per year to arts education (section 2.3). In addition, nearly all countries encourage schools to offer **extra-curricular activities** in the arts. Although they may be offered in a number of art-forms, music appears to be particularly well represented (section 3.4).

The use of **Information and Communication Technology (ICT)** is explicitly stated to be part of the arts curriculum in twelve countries (section 2.5). Furthermore, in many more others, initiatives or recommendations exist which are specifically designed to encourage the use of ICT (section 3.3).

Schools in Europe are developing initiatives to **connect pupils more closely to the world of arts and culture**. In most countries, initiatives are taken to organise visits to places of artistic and cultural interest, or to establish partnership with artists (section 3.2). In addition, there are several examples of arts-related festivals, celebrations and competitions where pupils are encouraged to participate (section 3.5). In some countries, this particular effort of developing and bringing together arts, culture and education has been institutionalised by the creation of organisations and networks to promote arts and cultural education (section 3.1).

Several countries are undertaking some curricular reforms (annex). In many cases, this will affect the arts education curriculum.

Assessment criteria in arts education are usually defined at school level by teachers themselves. They are established on the basis of the learning objectives set in the curriculum or the guidelines provided by the education authorities. These criteria enable teachers to identify the different levels of pupil performance. In only seven countries are assessment criteria defined by central education authorities (section 4.1).

The majority of countries recommend the use of one or several types of assessment scales, mainly at secondary level where scales of numerical marks are the most common. At primary level, the most frequent mentioned practice, which exists in a dozen of countries, is the use of verbal comments. This is particularly the case for the first years of this level of education. In most countries, an inadequate mark in an arts subject does not, in practice, have any direct consequence for a pupil's progression through the school (section 4.1).

At primary level, arts education is mostly delivered by **generalist teachers**, that is to say teachers who teach all or most curriculum subjects. In the majority of the countries, generalist teachers receive training in arts pedagogy as well as in more than one arts subject. These are most often visual arts and music which are compulsory subjects in all European school curricula at primary level. At secondary level, arts education is taught by **specialist teachers** for whom demonstrating artistic skills in (a) specific arts subject(s) before becoming an arts teacher is usually a requirement (section 5.1).

Professional artists are rarely allowed to teach their art(s) in schools unless they possess appropriate teaching qualifications. When they do so without professional teacher training, it is usually on a temporary basis (section 5.3). In addition, their participation in teacher education and training programmes is rarely encouraged by governmental projects.

Establishing a **collaborative approach** between different players at policy-making level as well as in schools is probably a way forward to improving arts education. At policy level, this is already happening in some countries when different ministries try to collaborate to support some projects or where specific networks or bodies are set up to promote arts education (section 3.1). At school level, arts education can only benefit from the expertise of professional artists and artistic institutions in general in making the arts not only a fascinating subject to learn, but also a vivid and real life experience.

CONCLUSIONS

This study set out to present up-to-date, comprehensive and comparable information on arts education at primary and lower secondary levels in Europe. The role of this conclusion is to summarise the main results of the comparative study and to link these to previous research. Furthermore, it highlights an important finding of the study about the importance of collaboration with regard to all the different aspects of arts education.

Questions raised: what we have learnt

The Introduction of the study provided an overview of the main questions that existing research projects have been focusing on. Some of these questions were also raised in the study, with specific emphasis on issues such as the organisation and aims of arts curricula, teacher education, pupils' assessment, the involvement of professional artists, the use of ICT in arts education, and extra-curricular activities. The following paragraphs summarise the answers the study can give to some important questions regarding arts education in European countries.

- **What is the place of arts in national curricula?**

Previous research argued that arts education has a relatively low status in the curriculum (see Introduction). This study looked at the organisation of arts education in the curriculum, the taught time devoted to the arts or arts subjects, and the existence of cross-curricular links between the arts and other areas in the curriculum.

The study distinguished two main conceptualisations of the art-form areas within curricula: they might be conceived as being related to each other and thus are grouped together in an integrated area within the curriculum, or alternatively, each arts subject might be considered separately. Just under half of the countries consider the arts subjects together as an 'integrated' component of the whole curriculum, whereas the remainder adopt a 'separate subject' approach. Nevertheless, even if arts-form areas are considered as parts of an integrated area, they can be treated as separate subjects in schools. Furthermore, in some cases, arts subjects are part of other compulsory subjects or curriculum areas. All the main arts subjects defined in this study are compulsory in the majority of countries in some form, and visual arts and music are compulsory in all countries. In addition to this, two-thirds of the countries include crafts in their compulsory arts curriculum. In the large majority of countries including drama and dance, these art-form areas are taught as parts of other compulsory non-arts subjects, usually that of the language of instruction and physical education, respectively. A small number of countries also offer separate lessons in media and in architecture as part of the compulsory arts or non-arts curriculum (see Chapter 2).

In terms of time devoted to the arts, approximately half the European countries dedicate between 50 and 100 hours per year to the arts at primary level and between 25 and 75 hours per year at lower secondary level (see Chapter 2). At primary level, this is certainly less than the time allocated to the language of instruction, mathematics or sciences (natural and social sciences taken together), but the majority of countries devote more time to arts education than to teaching foreign languages or to physical education. However, at lower secondary level, the time allocated to arts subjects also decreases in comparison to the other subject areas. At this level, the majority of countries not only devote less time to arts education than to the language of instruction, mathematics, natural and social sciences (taken together or separately), and foreign languages, but also to physical education (see

Figures E2 and E3 in *Key Data on Education in Europe 2009*). Thus, while this study confirms previous research results on the lack of time allocated to the arts at the secondary level, the picture is more mixed when one looks at the primary level. Nevertheless, there are considerable variations between countries. Furthermore, several countries enable schools to allocate curriculum time flexibly within a longer time period spanning two or more years, and others give schools autonomy to decide the amount of time to be devoted to each subject.

In most educational systems, it is possible for pupils to be asked to repeat a year if they have not adequately acquired the knowledge and competences required at the end of a school year or stage of teaching. However, in all these countries – with only a few exceptions – an inadequate mark in an arts subject does not, in practice, have any consequences for a pupil's progression through the school. Little weight is thus attributed to arts education when it comes to making a judgment on pupils' ability to go up to the next grade (see Chapter 4).

As far as the link between the arts and other subjects is concerned, only about a third of European countries encourage such cross-curricular links. When such encouragement exists, it can either be an objective of the whole curriculum or a specific cross-curricular programme (for example on cultural education), or it can be found within the arts curriculum itself. In some cases, promoting cross-curricular links is explicitly stated as an aim of the arts curriculum and in several cases cross-curricular links may be established at local or school level (see Chapter 2).

- **What are the aims of arts education?**

Similarly to previous research, the study found that there is a considerable degree of agreement between European countries about the core objectives of arts education. Not surprisingly, all countries focus their arts curriculum on developing young people's artistic skills, knowledge and understanding. Most also aim for their arts curricula to develop critical appreciation; an understanding of cultural heritage and cultural diversity; individual expression; and creativity (imagination, problem-solving and risk-taking). Other common aims were social skills, communication skills, enjoyment, engaging with a variety of art forms and media, performing/presenting, and environmental awareness (see Chapter 1).

However, the study also revealed a few differences between countries, with some having more types of aim than others. Three aims were identified in less than half of the countries: self-confidence/self-esteem; promoting lifelong learning through the arts; and identifying artistic talent.

Besides the learning aims that are identified as parts of the arts education curriculum, there are also objectives in the overall curriculum that can be linked to arts and cultural education. Where countries have stated aims for their whole curriculum, these usually include cultural and creative aims, especially creativity, learning about cultural heritage and cultural diversity, and the development of individual expression.

- **How are teachers prepared for arts teaching and what opportunities exist for them to update their skills?**

Teachers play a crucial role in determining the quality of education, including arts education. As the study showed, while generalist teachers tend to teach the arts subjects at primary level, there are specialist arts teachers at lower secondary level in the large majority of countries (see Chapter 5).

Nevertheless, schools are to a large extent autonomous in deciding to employ specialist teachers even at primary level.

Regarding teacher education, the study showed that generalist teachers typically receive training in more than one arts subject, most often in visual arts and music. This usually includes training in arts pedagogy and arts curriculum and to a lesser extent training in child development in the arts, arts history or personal arts skills. However, although arts subjects are most often compulsory for prospective generalist teachers, this is not always the case in initial teacher education programmes. Thus, in some countries it is possible that generalist teachers have to teach arts subjects without receiving appropriate training in the arts. However, in countries where arts subjects are not compulsory, there is little available information on what training generalist teachers actually receive.

In the case of specialist teachers, on the other hand, demonstrating arts skills in (a) specific arts subject(s) before becoming an arts teacher is usually a requirement in all potential training models. However, arts skills are usually more emphasised in the consecutive model. Furthermore, professional teacher training is most often, but not always compulsory for specialist arts teachers.

Continuing professional development (CPD) is a professional duty for teachers in the majority of European countries. However, the participation of arts teachers in CPD programmes is not regulated separately in most cases. Instead, general regulations on CPD usually apply to arts teachers as they do to all. As a result, there is little available information about the participation of arts teachers in CPD and their opportunities. Nonetheless, when such information exists, it shows that CPD for arts teachers receives little attention in many countries (see Chapter 5). Some of the national monitoring reports on the quality of arts education highlight the fact that arts teachers need to participate in good quality and appropriate in-service training. These reports, which exist in a dozen of countries, draw their conclusions from the results of standardised tests given to pupils, school inspections or surveys (see Chapter 4).

- **Are professional artists involved in arts education, and if so, how?**

As the Introduction discussed, the involvement of professional artists in arts education has been recommended in several previous studies. Therefore, the study looked at practices that exist in European countries (see Chapter 5). The findings show that professional artists are not involved often in actual teaching at primary and lower secondary level. In most countries, in order to teach the arts subjects in schools, professional artists have to complete professional teacher training. However, there are certainly exceptions to this rule; and several countries allow professional artists to teach without the required teaching qualifications or teacher training on a temporary basis. Nevertheless, in these cases, professional artists are usually required to complete professional teacher training after a certain period of time in order to gain a permanent status.

This also means that the most common way of involving professional artists in arts education is to encourage partnerships between schools and professional arts organisations and/or artists, including visits to places of cultural interest (especially museums and galleries) and projects involving artists or arts organisations working in schools. All countries support such initiatives, although such recommendations may be implemented at national, local or school level (see Chapter 3).

As far as the involvement of professional artists in teacher education and training is concerned, it usually involves holding workshops, seminars or the participation of professional artists in arts projects in teacher training colleges or universities. However, in the majority of countries, there are no central programmes to facilitate the involvement of professional artists in teacher education and training. Thus, it is the responsibility of higher education institutions and other (cultural) institutions offering training programmes to invite professional artists in most European countries (see Chapter 5).

- **Do teachers assess pupils' progress in the arts, and if so, how?**

Assessing pupils' performance in arts subjects is generally seen as particularly challenging. This point has been mentioned in some of the few recent national monitoring reports on the quality of arts education. The responsibility of pupils' assessment mainly lies with the teachers. Nonetheless, this is exercised within a framework defined by central or regional education authorities, which is more or less detailed depending on the country. In a few education systems, central or regional authorities explicitly define assessment criteria. An assessment criterion is composed of learning objectives, or more generally some aspects to be assessed, and related performance/requirement levels. In sum, in most countries, teachers themselves establish the assessment criteria to judge the work produced by pupils, and they do so on the basis of the content or learning objectives defined by the curriculum. In this case, it is essential that teachers get the appropriate support in order to consistently carry out assessment throughout the school years. This support can take various forms: national guidelines, teachers' working group at school level, etc. (see Chapter 4).

The majority of the countries recommend the use of one or several types of assessment scales, mainly at secondary level where scales of numerical marks are the most common. At primary level, the most frequent practice, which exists in a dozen of countries, is the use of verbal comments.

Specific measures to meet the needs of all pupils and especially the pupils at both ends of the performance scale exist in many countries. Some are fairly standard, as for example organising remedial classes or retaking examinations in the case of poor performance. In the case of outstanding results, pupils are encouraged to participate in extra-curricular activities or competitions, or to go to specialised arts institutions (like conservatoires). In order to be effective, these measures need to meet the needs of the pupils. This can only be achieved through good quality assessment.

- **Is the use of ICT encouraged in national arts education curricula and by specific educational projects?**

As the Introduction stated, recent studies have highlighted the pressure for curriculum development in the arts to give pupils the opportunity to use ICT as part of the creative process. This study shows indeed that the use of ICT within the arts curricula is encouraged in many countries. Beyond this general statement, the position and importance of ICT within the curricula widely differ across countries. ICT can be regarded as a cross-curricular attainment target and/or can be explicitly stated to be part of the arts curriculum. Certain arts subjects appeared to be more likely to recommend using ICT, such as visual arts, media studies and music (see Chapter 2).

Furthermore, several countries report specific projects promoting ICT within arts education. In some cases, these projects are managed by bodies or organisations dedicated to the promotion of arts or ICT in education. In addition, some countries have special policies or initiatives designed to provide

electronic resources, such as software or online documentary resources, to schools, which are also used to improve arts education (see Chapter 3).

- **Are extra-curricular activities in the arts encouraged by education authorities?**

Almost all European countries encourage schools to offer extracurricular activities in the arts. Several of them have statutory recommendations for schools in relation to such provision. Thus, in these countries, schools might be asked, for example, to include optional extra-curricular activities of artistic nature in their curriculum plan. The extent to which these activities are designed to contribute to pupils' school work varies between countries. In some of them, extra-curricular activities are seen as complementing and supporting the curriculum. More generally, they are seen as being beneficial to the entire education process, in particular to personal development. Although they may be offered in a number of art-forms, music appears to be particularly well-represented (see Chapter 3).

Equal access to such activities can be an issue in some countries where participation depends on parents paying for their children to attend. In some cases, the amount paid depends on the socio-economic situation of parents. Several countries report that either the national or the local government provides full funding for or subsidises extra-curricular arts activities.

The important role of collaboration for the development of arts education

Given the current institutional and organisational setting within which arts education takes place, developing good quality education seems to call for a collaborative approach between different players at the level of policy-making as well as in schools. In the latter case, cooperation should not only take place within educational institutions, but could also involve professionals from the artistic domain.

In order to give pupils the chance to experience the arts first-hand, collaboration needs to be established between schools and education authorities, on one hand, and artists and any institution promoting the arts, on the other hand. In some countries, responsibilities for education and culture are allocated to the same ministry (see Chapter 1). This can obviously facilitate cooperation between different spheres of activity. Other countries have set up bodies intended to develop arts and cultural education within which different ministries or departments cooperate. These bodies, whose objectives vary according to the countries, aim at building partnerships between the worlds of education and arts: they set up projects, disseminate information and knowledge about arts education, provide specialised educational resources, support artist-in-school programmes, etc. (see Chapter 3).

In some countries, cooperation between schools and cultural institutions is encouraged to improve the content of extra-curricular arts activities and to develop new creative working methods in schools (see Chapter 3). More generally, collaboration between mainstream school teachers and teachers from specialised arts institutions, such as arts academies for example, could certainly be beneficial to the teaching of arts in both settings.

Involving professional artists in teacher education and training as well as in CDP would certainly contribute to improving the quality of arts education. However, as was pointed out above, very few countries report having central programmes facilitating the involvement of professional artists in teacher education and training as well as in CDP (see Chapter 5).

In many countries, art forms are grouped together into an integrated area of the curriculum (see Chapter 2). This does not mean however that arts education, which, in nearly all cases, covers domains as diverse as music and visual arts, is taught by one single teacher. Collaboration between school teachers is thus essential when several of them are responsible for delivering arts education. The same need arises when some art forms such as dance or drama are part of another compulsory subject.

Developing creativity is an objective clearly assigned to most arts education curricula. It is also a transversal goal in some of them (see Chapter 1). Fruitful collaboration between arts teachers and the other teachers of the school should help achieving this goal across the curriculum. More generally, close collaboration between all teachers is particularly vital for the schools in education systems where cross-curricular links between curriculum subjects are strongly encouraged.

**Structured dialogue
EU – Cultural Sector**



**Civil Society Platform on Access
to Culture**

“Policy Guidelines”

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1.1 BACKGROUND

In times of economic difficulties and the social problems that these bring, access to culture can function as an impressive and effective tool to bring Europe and Europeans back in the driving seat for sustainable development and to strengthen the sense of cohesiveness between citizens. **Access to culture is an essential right of all citizens** but becomes fundamental in the case of those with economic and social challenges such as young people and the elderly, people with disabilities and minority groups. Supranational institutions such as the European Union as well as its Member States have come a long way towards incorporating strong cultural normative practices and principles in their policy-making. However, there is a notable gap and a lack of political and public debate on and between principles and commitments, and everyday practices of fostering access to culture.

In June 2008 the European Commission set up **three platforms** with the aim of structuring its dialogue with the cultural sector and civil society regarding the *European Agenda for Culture* and its objectives. These platforms were designed to cover the following areas: **cultural and creative industries, intercultural dialogue and access to culture**. Although access to culture is mentioned in the European Agenda for Culture, no coherent policy vision has been devised by the EU on this issue yet, and setting up a Platform on Access to Culture reflects an interest by the Commission to develop this issue further in its working agenda. Strengthening access to culture – within education, cultural production and participation – should be indeed mainstreamed in public policies at all levels (European, national or sub-national) if other objectives such as cultural diversity, interculturality or creativity are to be pursued by all political and civil actors at European level.

The **Platform on Access to Culture** has a clear mandate to bring in the voice of civil society to provide recommendations for policies that can foster the access of all to cultural life in its different dimensions. The Platform also aims to represent the needs of the sector, identify suitable action in the different stages of policy formation and also to organise itself the way many other sectors have done previously. Access to culture is a new political theme within the European policy agenda and the structured dialogue with civil society is a new instrument for consultation at European level. Special attention should therefore be granted to the recommendations as they pioneer and open the way to new reflections and policy development at European, regional, national and local levels.

In order to cover as many aspects as possible, the Platform has chosen three areas of access that have been examined in respective working groups. The **working group on education and learning** explores the benefits of the interaction and synergy between education, learning and culture and the role that cultural participation plays in different educational settings. The **working group on creation and creativity** advocates for the best conditions for artistic creation, to ensure access to the creative process for all, and to explore the creativity of the arts sector within the wider field of 'creativity and innovation'. Finally, the **working group on audience participation** advocates the importance of taking audience participation seriously into account in all levels of policy making based on the broad spectrum of added value that a participative audience brings, not only to the cultural sector but to society as a whole, especially in terms of civic participation and citizenship.

This document is the synthesis of the outcome of the discussions held in the three working groups¹ and is endorsed by the Platform members. It is directed to the European Commission, Member States, local and regional authorities and cultural institutions. It contains general remarks on the concepts of culture and access, and provides a set of guidelines for policy measures in relation to access to culture.

Annexed to the document are:

- the legal instruments which frame access to culture and a list of legal instruments;
- the contributions by the three working groups;
- a collection of best practices identified throughout Europe, that underpin the recommendations and illustrate the existing contribution of arts and culture to the European project.

The Recommendations contained in this paper are directed to the **European Commission, the EU Member States as well as sub-national authorities**. As the national or sub-national levels remain indeed the main actors responsible for cultural policies in the EU in accordance with the subsidiarity principle, the Platform strongly recommends that the EU encourages and facilitates better coordination of cultural policies at all levels. Only then will actors across the EU be able to develop comprehensive and efficient policies that promote access to culture, as well as arts and culture, as a central building block of the European integration project.

1.2 MAIN OBJECTIVES OF THE DOCUMENT

The present document strives to achieve the following aims:

- To set a general frame to **improve access to culture** and have the issue included as a fundamental theme in the next generation of the EU programmes (2014-2020), and in the Culture Programme in particular.
- To draw attention to the **importance culture plays** in the lives of the peoples in Europe and the urgency of taking affirmative policy and legal action to make culture accessible for everyone, based on Article 27 of the Universal Declaration of Human Rights which recognises taking part in cultural life as a fundamental right.
- To draw attention to the **contribution** that an **active, vital, thriving cultural sector** brings to the development of society as a whole. Participation in cultural life, exposure to artistic creation, access to artistic skills and knowledge enriches individuals and communities, and strengthens the civic and social nets that compose the fabric of our European societies.
- To highlight the importance of supporting all steps of the **chain of processes related to creative expression, as well as their interaction**. These include: education/training, creation, production, dissemination, documentation/ preservation and media/art criticism.
- To pay special attention to improving **conditions for artistic creation** and artists; to facilitating conditions for a continued **capacity building process** of cultural, educational and creative professionals; to addressing imbalances in their social statutes. This includes legal financial

¹ See working group reports.

and social protection, adequate funding possibilities, professional development opportunities - such as mobility and access to information – for artists. It also includes identifying new communication processes with the public in order to understand their cultural participation needs.

- To draw attention to the need for more **detailed, qualitative and impartial information** on the different forms of access and participation in cultural life from education to creation, interpretation and enjoyment of culture.

1.3 CONCEPTUAL FRAMEWORK

As regards the concept of culture, this document follows the approach of the European Commission. In its *European Agenda for Culture*², the Commission emphasises the broad perception of culture (see the Introduction of the Communication) which is linked to the value of cultural diversity, as well as to a shared European cultural memory.

However, going beyond the broad perception of culture presented in the Agenda, this document focuses in particular on one of the fundamental aspects of cultural diversity and the European cultural memory: access to culture. Cultural diversity is impossible to achieve without universal access to cultural education, creation and participation. Only with **universal access** are a variety of cultural expressions available and thus options for people to freely choose from. Access has many aspects; in the present document the focus will be on education/learning, creativity/creation and audience participation, following the structure of the Platform.

The present document also places **access and participation within a human rights framework**. Participation in cultural life as such is a fundamental human right. In addition, most other human rights: equality and non-discrimination, freedom of expression, the right to information, freedom of assembly and the right to education, are strongly linked to access to culture. These are not only moral issues; they are legal obligations that should guide States in all of their policy planning, including the drafting of cultural policies. Cultural policies should not be seen as a “charity” or as derived from voluntarism; they are based on rights of citizens and the legal obligations of States.

Through international treaties, as well as national constitutions and national legislation, the EU and the Member States have developed a legal framework related to culture. The EU and Member States have also adopted cultural policies. However, the making of cultural policy is not always guided by the legal framework, and cultural policies are often set up on an ad hoc basis. What is needed is more **vision, long-term planning and innovation**. There is a need for critical evaluation and follow-up systems, and periodical checks with the sector on priorities, objectives and instruments.

Several studies support the idea that offering **means and channels for participation** in public life, including its cultural aspects, adds to the sense of social cohesion and the development of common values. A society that takes into account the rights of its citizens to access cultural experiences (services, creation and ways of life) has a higher chance of success than a society in

2 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalizing world, Brussels, 10..5.2007, COM(2007) 242 final.

See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0242:FIN:EN:PDF>

which the rights of citizens' participation have not been given a central role. **Creativity and cultural learning** offer contents and new meanings to peoples' lives, whereas access to qualified professional training ensures the diversity of options of cultural services. **Participation** by the public at large in the different dimensions of cultural expression and in its enjoyment is possible only when means of access have been secured and facilitated. Formal, non-formal and informal **education** – regardless of level or context – is one of the basic elements of accessing culture, as it provides tools for participating in and understanding culture and the arts - which in turn helps citizens to live richer lives. Similarly, culture can provide **access to education** by helping people to develop a variety of skills that supports their ability to function in a knowledge-based society. Culture can play an important role in the implementation of the “Key Competences for Lifelong Learning” as defined by the European Parliament in 2006³: participation in cultural activities can be a powerful tool to achieve several generic competences such as creativity, entrepreneurship and civic competences. Cultural experiences can also be an effective way for different groups of people with learning difficulties to achieve the key competences in ordinary educational processes. Access to culture thus also means equipping people for lifelong learning and, as a consequence, will have an impact on economic progress.

Access and participation are also constantly **changing form**, in particular through the internet and through new ways of collaboration and the networking of both amateurs and professionals. Urban subcultures are emerging that result in a multi-disciplinary mix of traditional and new artistic forms and contents. While classic institutions hold a special importance for accessing cultural services, there is a need for recognition and support to these new ways of entering cultural experience, planting seeds of curiosity, analysis and demystification that could be the beginning of long-term relationships with culture. The sector needs more synergies between these classic institutions and the independent artists/creators who are the voice of our time and of the future. Larger arts institutions need to open their doors to experimental artists and non-conventional arts initiatives. They attract audiences through innovative forms of communication which audiences can relate to and build upon. Incubator units, residencies and other innovative initiatives that offer young artists space and time to research, experiment and exchange form an essential part of these creative hubs and should be supported, not only in towns but also in rural areas.

Finally special attention should be given to the issues of accessibility offered by **new media and online services**. Many forms of cultural participation are excluded from official cultural policies when in fact they may represent a variety of forms by which people access culture.

1.4 POLICY RECOMMENDATIONS ON ACCESS TO CULTURE

The following are the **main recommendations** identified. They are **directed to the European Commission, the EU Member States as well as all levels of sub-national authorities**. Some of the actions will have to be taken up directly by the European Commission (mainly through its funding programmes) but, as the national and/or sub-national levels remain the main actors responsible for cultural policies in the EU, Member States and relevant sub-national authorities are also directly responsible for advancing ‘access to culture’ in their own territories and policies. A large majority of recommendations should therefore be implemented simultaneously, or in a complementary manner, at the different levels of European cultural policymaking.

3 The “Key Competences of Lifelong Learning” are: 1. communication in the mother tongue; 2. communication in foreign languages; 3. mathematical competences and basic competences in science and technology; 4. digital competence; 5. learning to learn; 6. social and civic competences; 7. sense of initiative and entrepreneurship; 8. cultural awareness and expression. See doc. 2006/962/EC of 18 December 2006.

[Understanding the needs of all publics

Data collection, research and consultations - to improve policymaking in the field of access to culture.

[Overcoming linguistic barriers

Language education and support to translation - to remove linguistic obstacles to access to culture.

[Supporting highly qualified professionalism

Social protection, education and training programmes - to ensure professional development and growth and, in turn, broaden the diversity of the cultural offer.

[Improving funding and procedures

More diverse and flexible funding opportunities, easier access to information - to facilitate access to funding to a larger group of artists and cultural professionals.

[Advancing mobility and exchange

Mobility funding, spaces for encounters and exchange, support to diffusion of artistic processes and products – to increase mobility, and integrate cultural stakeholders in foreign actions.

[Promoting the cultural use of new technologies

Increased access to new technologies to public and cultural actors, while insuring appropriate protection of creators' and interpreters' rights – to increase the cultural potential of new technologies.

[Stimulating learning through culture

Recognition of the synergies between education and culture and support to such projects in all appropriate funding instruments – to increase the access to culture through education and the access to education through culture.

[Positioning access to culture upstream and transversally in all cultural policy-making

Participatory policymaking, interdisciplinary policy working groups – to improve specific and general policies promoting access to culture.

[Raising awareness of the legal frameworks on access to culture

Information, ratification and implementation of all legal instruments on access to culture – to translate international commitments on access to culture into genuine policies.

Understanding the needs of all publics

Objective: Widen the scope of data collection and analysis on audiences and participation to cultural activities, to reach beyond usual focus groups and thereby improve the forms of access for all.

Data and expertise are dramatically lacking in areas such as: access to culture by specific and often discriminated groups, the cultural practices of the general public, the conditions of cultural professionals, or the impact of arts education, cultural learning and participation in cultural life in society at large. Such data and expertise are however indispensable to the development of efficient policies in the field of access to culture.

Actions:

- Studies and consultations on participation, using different methods beyond exclusively quantitative ones.
- Consultations with different stakeholders and focus groups.
- Channels and tools to facilitate access to information on participation to professionals in the cultural sector.
- Better use of data and documents of other intergovernmental organisations and NGOs.

Result: Policies that take into account, in greater depth and complexity, the needs of both the general public and vulnerable groups.

Overcoming linguistic barriers

Objective: To facilitate access to cultural contents, resources and expressions beyond linguistic barriers.

The European human landscape consists of a multicultural population that increasingly lives in diverse linguistic environments. Language is at the heart of culture. Respect for linguistic diversity and prohibition of discrimination due to language is required in EU law. Cross-cutting policies should be embedded in future EU programmes, including the Culture programme, to place the promotion of linguistic diversity, especially lesser-used and regional languages, as key criteria in the decision-making process.

Actions:

- Appropriate financial and policy means to increase language education at all levels (individual as well as institutional) and access to lesser-used and regional languages.
- Translation facilities and translations of different works.

Result: Increase in numbers of people who benefit from cultural learning and knowledge of other cultures, as well as a contribution to the implementation of the “Key Competences of Lifelong Learning”.

Supporting highly qualified professionalism

Objective: To ensure professional development and growth through educational and training programmes, and guaranteeing the best possible conditions for artists and cultural professionals.

Actions:

- Improvement, both through the regulatory environment and social awareness, of the social protection (such as pension and social security schemes) of all types of professionals in the cultural sector.
- Support to continuing professional development courses for professionals in the cultural sector, with the aim to constantly update knowledge and skills in the area of their expertise, as well as in practical and conceptual issues (legislation, human rights, documentation, etc).
- Interdisciplinary and international programmes for the mobility of individuals and the exchange of expertise on educational and training needs, as well as on artistic ideas, processes, artists, professionals and audiences.
- Support mechanisms for art criticism and the media that encourages the forming of an educated and active public who can feedback to cultural professionals.
- New support programmes built on shared responsibility from Ministries responsible for culture and education for innovative socio-educational projects in the area of culture and arts and more flexible pathways to include cultural activities in the education programmes (e.g. easier access for classes to visit cultural institutions and take part in artistic activities).
- Recognition of qualifications through the use of the European Qualifications Framework (EQF) to support the employability in countries other than their own of professionals in the cultural sector.

Result: Qualified professionals who assure a variety of cultural expressions and offer audiences the possibility to access a diversity of cultural and artistic processes and products. The actions will add to the existing programmes and structures such as the Grundtvig⁴, European assistantship and other programmes.

Improving funding and procedures

Objective: To facilitate access to funding to a variety of cultural operators including networks, non formal and civic groups, and to establish improved information channels on funding procedures and requirements.

Cultural operators often have difficulties in knowing about the existence of funding opportunities, locating them and understanding their procedures. Furthermore, for many professionals and organisations, the requirements of macro programmes make obtaining funding very difficult. There is a need to adapt existing and create new funding opportunities and programmes, both large and small, to the needs and capacities of smaller structures which often represent innovative practice.

4 The Grundtvig programme focuses on the teaching and study needs of those in adult education and alternative education streams, as well as the institutions and organisations delivering these services. Supporting lifelong learning and mobility in this way also tackles Europe's ageing population problem.

Actions:

- Variety of funding opportunities, in size and procedures, jointly funded and managed at local, national or international levels.
- Larger offer of training for professionals on funding procedures.
- Support and investment in each step of the chain of creative processes (education and training, production, dissemination and distribution, documentation and preservation, media and arts criticism) and adequate connection programmes that link these steps.
- Funding programmes to enhance the research and development aspects of the cultural sector.
- Incentives for private initiatives and foundations funding.

Result: Funding is made more democratic and available for a larger group of people and organisations.

Advancing mobility and exchange

Objective: To increase the mobility of professionals of the cultural and educational sectors, as well as the role of culture and culture professionals in external and development actions.

Mobility and exchange contribute significantly to the professional quality of cultural operators and to the education (in its broader sense) of audiences. It is fundamental to be able to learn from others and widen professional perspectives not only in one's own sector but also in a context of intersectorial cooperation. Professionals from the cultural sector should benefit from external contacts and learning opportunities.

Actions:

- Increase, in number and diversity, of mobility funds and programmes.
- Support to network meetings and interdisciplinary workshops
- Integration of cultural professionals in foreign relations (external action and development) working groups on the levels of policy development, implementation, and monitoring.
- New support programmes for the diffusion of artistic activities on local, sub-national and national levels that can include support for tours, translation and media coverage.

Result: Broader possibilities of exchange and mobility for a larger group of artists and cultural professionals

Promoting the cultural use of new technologies and e-learning

Objective: To increase access to ICT services in/for/as cultural activities and to improve the use of their cultural content.

Nothing replaces the experience of live performance, but internet and other new technologies today are important facilitators of cultural participation. ICT services should enhance rather than compete with direct access to cultural experiences and people-to-people exchange. What must be assured for the general public is participation in the cultural activities offered by the internet and other digital media, through increased access to technologies. This rapidly changing environment should however always insure appropriate protection of the legal rights of creators and interpreters.

Actions:

- Developing legal and policy frameworks and instruments that balance protection of intellectual property rights and access to culture.
- Increased access to technologies, for example through free WI-FI, technological spaces and equipment.
- Surveys and studies on the different ways in which digital technologies impact on the arts and culture, on future trends in Europe and beyond, and on how to bridge the gap between digital culture and other forms of access to culture.
- Studies and pilot programmes on the varied use of new technologies and their cultural content, especially to remove barriers for specific groups (disabled, elderly, etc.).
- Support to cultural institutions and organisations for posting information online in accessible formats.

Result: Benefiting from the cultural potential of the internet for participation and access to information, creation and services.

Stimulating learning through culture

Objective: To increase synergies between formal, non-formal, informal education and culture by giving culture an active role in relation to the Key Competences for Lifelong Learning.

Cultural activities can be effective tools in formal, non-formal and/or informal learning to ensure that citizens acquire the Key Competences for Lifelong Learning such as creativity, entrepreneurship, and cultural expression and awareness.

Actions:

- Recognition in the future EU Cultural Programme of the importance of the educational dimension of cultural projects by giving priority to projects that include such a dimension, e.g. in a specific strand of this programme. This is particularly relevant for cultural projects active in informal and non-formal learning contexts that are often not eligible for support by the Lifelong Learning Programme.
- Mainstreaming of the synergy between education and culture in other EU programmes and initiatives (in particular in the fields of education and research) by making the role of culture a priority in formal, non-formal and/or informal learning for the future EU programmes in these areas.
- Investment in opportunities for young people to experience culture within and outside school, and ensure that this experience is of the highest standard and reflects the diversity in their countries and in Europe.
- Continued exchange of information on the role of culture in formal, non-formal and/or informal learning between the working group of the Open Method of Coordination on the 'synergies between culture and education' and the Access to Culture Platform.

Result: Increase in number of people achieving Key Competences for Lifelong Learning.

Positioning access to culture upstream of all cultural policy-making and transversally in all relevant policy fields

Objective: To approach cultural policies from a holistic and transversal perspective.

The findings of several studies support the fact that culture is a fundamental factor in people's lives and access to cultural life is a major contributor to the well-being of people. However, this has not often been reflected in official policies, beyond specific policies for culture. In the same way, cultural policies are often limited to developing a creative and cultural agenda whereas cultural policies can reply to wider questions in society – without becoming new social policies. There is a need to build stronger synergies between different sectors, and to find ways to foster the role of culture beyond merely being a framework for operative actions.

Actions:

- Include professionals from the cultural sector in policy planning especially in the context of educational and social policies.
- 'Culture-check' of existing policies.
- Interdisciplinary working groups for policy planning and monitoring.
- Public consultations on the effect, impact and desired contents of cultural policies.

Result: More cohesive, ground-breaking and specific policies that take into account issues such as representation, diversity and cultural impact, as well as signalling new trends.

Awareness-raising of the legal frameworks on access to culture

Objective: To increase the knowledge of different professional groups including policymakers, the judiciary and cultural professionals of the existing legal framework on access to culture.

Many policymakers and professionals are not aware of the existence of legal instruments related to access to culture, nor of how these texts can be useful for drafting policies.

Actions:

- Ratification of all relevant international and regional conventions on human rights, cultural diversity and cultural heritage and implementation of these treaties through legislation and policies.
- Coordination of actions at European, national and sub-national levels to implement the *UNESCO Convention on the protection and promotion of the diversity of cultural expressions*.
- Collection and, if necessary, translation of all relevant legal instruments.
- Information workshops on the legal framework for culture or integration of legal issues in existing gatherings.
- More information on relevant legislation and cultural policies in the periodic reports to international monitoring bodies.

Result: Increased awareness of the existing legal framework on access to culture including knowledge on how it can feed cultural policies.

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ANNEX I.



“Supporting Legal Framework”

1 OUTLINE OF INSTRUMENTS

There are many international legal instruments that include, directly or indirectly, references to access to culture (see the list of legal instruments herewith). Most Member States of the EU are parties to these treaties, which bind them in drafting their national legislation and policies.

International human rights instruments

International human rights instruments include several rights that are relevant to access to culture. The right to take part in cultural life is the most explicit right in this regard, which is included in the *Universal Declaration of Human Rights* (Article 27)¹ and the *International Covenant on Economic, Social and Cultural Rights* (Article 15(1))². Taking part in cultural life requires access to cultural life: without access to culture one is not able to participate in cultural life.

Other relevant human rights included in international treaties are, for instance, the right to freedom of expression, the right to information and the right to education. Central to all human rights and also essential for access to culture is the principle of equality. It is important to note, however, that having equal rights is not the same as being treated equally. In fact, equality also entails the recognition of diversity. Equality not only implies that equal situations should be treated equally, but also that unequal situations should be treated unequally. Consequently, difference in treatment is allowed, as long as the criteria for differentiation are reasonable and objective and serve a legitimate aim. In terms of access to culture, it means that States can or even should differentiate in their policies between different groups according to their specific situations.

International instruments on culture or cultural diversity

There are also a number of international legal instruments that deal specifically with culture or cultural diversity, such as the *Universal Declaration on Cultural Diversity* (2001)³ and the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*⁴. There are also many conventions on cultural heritage, such as the *UNESCO Convention on the Protection of the World Natural and Cultural Heritage*⁵ and the *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage*⁶, as well as the *Council of Europe Convention on the Value of Cultural Heritage for Society*⁷. Furthermore, there are international instruments on specific groups, notably minorities and indigenous peoples, in which access to culture is incorporated. Instruments such as the *UN Declaration on the Protection of National or Ethnic, Religious and Linguistic Minorities*⁸, the

1 United Nations, *Universal Declaration of Human Rights*, 10 December 1948. See <http://un.org/Overview/rights.html#a27>.

2 United Nations, *International Covenant on Economic, Social and Cultural Rights*, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force 3 January 1976. See http://www.unhchr.ch/html/menu3/b/a_ceschr.htm.

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4 UNESCO, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, adopted on 20 October 2005 and entry into force on 18 March 2007. See [www.unesco.org, legal instruments](http://www.unesco.org/legal_instruments).

5 UNESCO, *Convention on the Protection of the World Cultural and Natural Heritage*, adopted on 16 November 1972 and entry into force on 17 December 1975. See [www.unesco.org, legal instruments](http://www.unesco.org/legal_instruments).

6 UNESCO, *Convention for the Safeguarding of the Intangible Cultural Heritage*, adopted on 27 October 2003, entry into force 20 April 2006. See [www.unesco.org, legal instruments](http://www.unesco.org/legal_instruments).

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UN *Declaration on the Protection of Rights of Indigenous Peoples*⁹, the Council of Europe *Framework Convention on the Protection of National Minorities*¹⁰ and the Council of Europe *European Charter on Regional and Minority Languages*¹¹ include important rights related to culture, the UNESCO *Recommendation concerning the status of the artist*¹² addresses the issue of professional recognitions for artists.

EU instruments

Article 151 of the EU *Treaty*¹³ states that the EU should contribute to the flowering of the cultures of the Member States as well as foster the common European cultural heritage. Action by the EU should focus on improving knowledge on and protection of the European cultural heritage, encouraging cultural exchanges and artistic creation. However, Article 151(5) prohibits the EU from harmonizing national laws. It is only allowed to act through incentive measures, which means that the Member States themselves remain the prime actors in developing cultural policies. Also worth mentioning is Article 22 of the *Charter of Fundamental Rights* of the European Union which stipulates the need for respect for cultural diversity. After the *Lisbon Treaty*¹⁴ enters into force, the EU will also become a member of the *European Convention on Human Rights*¹⁵, which means that, apart from the Member States, the EU institutions will also be bound by this treaty. A number of Recommendations of the European Parliament represent key references for artists: the *Resolution on the social status of artists* (7 June 2007)¹⁶, the *Resolution on the importance and dynamics of the theatre and the performing arts in an enlarged Europe* (15 July 2002)¹⁷ and the *Resolution on the situation and role of artists in the European Union* (9 March 1999)¹⁸.

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11 Council of Europe, European Charter for Regional or Minority Languages, Strasbourg, 5.XI.1992, ETS n° 148. See <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>.

12 See http://portal.unesco.org/en/ev.php-URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html

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Key Competences of Lifelong Learning

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ANNEX II.



“Working Groups’ Documents”

- 1. DOCUMENT WORKING GROUP ON EDUCATION & LEARNING**
- 2. DOCUMENT WORKING GROUP ON CREATIVITY & CREATION**
- 3. DOCUMENT WORKING GROUP ON AUDIENCE PARTICIPATION**

Platform on Access to Culture

1. Education & Learning Working Group Position Paper

In order to implement its three strategic objectives (promotion of cultural diversity and intercultural dialogue; promotion of culture as catalyst for creativity in the framework of the Lisbon Strategy; and promotion of culture as a vital element in EU external relations), the European Agenda for Culture presented in May 2007 introduced new cooperation methods with various stakeholders: a more structured system of cooperation between the Member States and the EU institutions ('open method of coordination – OMC'), a reinforced mainstreaming of culture in all EU programmes and policies through enhanced synergies between the departments of the European Commission, as well as a structured dialogue with the cultural sector.

In order to establish such a structured dialogue with the cultural sector, a large number of cultural organisations with a European dimension were invited during spring 2007 to express their interest in participating in two new thematic civil society platforms on:

- access to culture
- creative and cultural industries.

The composition of these two platforms is wide ranging and gives a unique opportunity for organisations from the sector to work together on thematic issues of common interest. They are expected to act as the channel for cultural stakeholders to provide concrete input and recommendations and - in this way - actively contribute to the implementation and further development of the European Agenda for Culture¹.

Within the 'Access to Culture' platform, 3 sub-groups were formed to address the following issues:

- Education and Learning
- Creativity and Creation
- Audience Participation

During a first meeting and through subsequent work, the Working Group on Education and Learning produced the following documents: a document with recommendations to the various stakeholders (the OMC working groups, the European Commission, the EU member states, etc) on the importance of a closer synergy between education and culture in a European context, and a first collection of case studies that would underpin these recommendations.

The Working Group on Education and Learning, December 2008

1 More information on the cultural sector platforms can be found at http://ec.europa.eu/culture/our-policy-development/doc1199_en.htm.

2 MEMBERS OF THE EDUCATION & LEARNING WORKING GROUP

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3 Introduction to the need for a closer synergy between education and culture at European level

The Education & Learning Working Group of the Access to Culture Cultural Sector Platform has the aim to explore the benefits of a closer synergy between education and culture within the context of the developments initiated by the EU Communication “A European Agenda for Culture within a Globalised World”. In this process, the Working Group, consisting of representatives of a range of cultural networks and organisations working at the European level, has explored the various dimensions of the links between education and culture. In brief, these dimensions can be described as follows:

- Education provides access to culture for European citizens with the aim to develop participation in and the understanding of culture and the arts, which will enrich their daily lives. **Access to culture through education** can take place in various contexts: from formal education (ranging from cultural education in primary and secondary education to higher arts education), and non-formal education (organised educational activities outside a formal educational setting) to informal learning (in a ‘real life’ context, where learning can also take place in an implicit way).
- Another important dimension is the **access to education through culture**. Learning through cultural experiences can develop creative, personal and interpersonal skills that can be essential transferable skills for workers in a knowledge-based society.
- An increased exchange and cooperation in the fields of education and culture will lead to enhanced intercultural understanding and social cohesion at the European level. These are essential elements for a Europe built on cultural diversity and intercultural dialogue.
- A closer synergy between education and culture will support the development of the creative and cultural industries, which show an enormous potential for employment and growth within the overall EU economy.
- A closer synergy between education and culture will also support the implementation of the Key Competences for Lifelong Learning: not only Key Competence nr. 8 (Cultural Expression and Awareness) will be reached by offering access to culture through education, but in addition other Key Competences can be achieved by providing access to education through culture, such as Learning to Learn (Key Competence nr. 5), Social and Civic Competences (nr. 6), Sense of initiative and entrepreneurship (nr. 7) and Digital Competence (nr. 4.).
- Finally, the working group would like to remind that ‘free movement of knowledge and innovation’ is of utmost importance within the European Union, and that access to culture contributes to the knowledge economy through education and lifelong learning. In this context, the working group underlines there should be a fair balance between the protection of intellectual property and the access to creative works in the context of learning practices.

To underpin these views, the Working Group has started with the collection of short case studies, which will be presented in a comparable format. The overview of case studies will serve as an annex to this document.

4 Our recommendations to increase synergies between education and culture at the European level

Based on the above-mentioned views, the working group would like to suggest the following initial recommendations for further exploration by the member states and European regions, the European Commission, the Open Method of Coordination (OMC) Working Group on education and culture, and the Cultural Sector Platforms.

4.1 Recommendations to the EU member states and European regions

- To acknowledge the importance of a closer synergy between education and culture to the personal development of the citizens, the further development of the European integration process and economic growth of the EU, by supporting an active role of culture and the arts in formal, informal and non-formal educational contexts, and by giving sufficient support to the professional training of artists, managers, teachers, facilitators and other professionals engaged in these contexts.
- To implement the Key Competences for Lifelong Learning and knowledge the role culture could play in achieving these competences.
- To encourage the European Institutions to declare the close synergy between education and culture a priority in the EU education and culture programmes.
- To improve provision for the professional training of professionals in the cultural sector by recognising higher arts education in all 3 levels as outlined by the Bologna Declaration process (Bachelor, Master, 3rd cycle).
- To develop policies that balance protection of intellectual property rights and the access to culture as instruments for lifelong learning.

4.2 Recommendations to the European Commission:

- To declare the synergy between education and culture a priority in the future EU programme for education.
- To introduce into the future EU cultural programme a specific strand to support cultural projects with an educational dimension.
- To mainstream the synergy between education and culture as a priority also in other EU programmes and initiatives, in particular in the fields of external relations, research and regional development.
- To improve the mobility of professionals in the cultural sector through an increased attention to the recognition of qualifications, in particular for those artists that include educational activities in their portfolio of professional obligations.
- To improve the mobility in the cultural sector by offering mobility grants to recently graduated professionals supporting their efforts to establish a European-level professional practice that may include educational activities.
- To take into consideration in relation to the development and promotion of the fifth freedom 'knowledge and innovation' that admission to cultural heritage (in a broad sense) is essential for the support of education, research, and access to culture.

4.3 Recommendations to the OMC Working Group on education and culture:

- To discuss the benefits of and actions for a closer synergy between education and culture by taking into account the role of culture and the arts in various educational contexts (formal [including all levels from pre-primary to and beyond higher education], informal and non-formal) and not just limit the discussion to one particular context.
- To connect the discussion on the synergies between education and culture in the OMC for culture to the follow-up programme of the 'Education and Training Agenda 2010' and the OMC in the field of education.
- To share information on the results of qualitative research on the impact of arts education and cultural learning, and to support this process by an active approach towards translation of relevant texts.
- To exchange information on the cultural participation of not only young people but also adults, including issues related to mobility.
- To engage in a regular exchange of views and information with the Access to Culture Cultural Platform Working Group on education and culture.

4.4 Recommendations to the Cultural Sector Platforms:

- To take into account the synergy between education and culture as a horizontal issue in all areas of discussion in the framework of the cultural sector platforms, including the cultural industry platform and the 'Rainbow' platform for intercultural dialogue.
- To suggest the synergy between education and culture as a central topic at the next Cultural Forum in 2009.
- To engage in an evidence-based argumentation based on research literature and successful case studies.
- To explore with the Commission a structured dialogue with the relevant OMC working groups.

Platform on Access to Culture

2. Creativity & Creation Working Group Position Paper

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CONCISE SUMMARY

A. Key Principles

The economic and financial crisis confronts politicians and others with the necessity to establish **new priorities**. We believe that in order to maintain the bonds between European citizens and between European governments, **artistic and cultural values need to underpin the Union's strategic thinking and planning** - our common histories and cultures are what unites us.

The aim of the Creativity and Creation Working Group is to advocate for the **best conditions** for artistic creation, to ensure access to the creative process for all, and to explore the creativity of the arts sector within the wider field of 'creativity and innovation'. The cultural associations/networks endorsing this document base the legitimacy of creation and creativity on the democratic values of diversity and the **freedoms of speech and expression**.

Artistic and cultural innovation, creativity and creation have **intrinsic values**. They also elicit new solutions to social change and develop society. It facilitates understanding from alternative perspectives to understand ourselves and others.

We highlight the **key importance of supporting professional infrastructures** on a (sub)national and European level without which artists and the arts can barely flourish.

Professional creative practice needs **equitable administrative and legal environments** – continuously re-examined in a rapidly changing environment as well as the protection of the social status and legal rights of creators and interpreters.

Innovative access to culture should include creative input to plans and concepts as well as to the cultural /artistic object itself.

B. Key Recommendations

1. Equal Status for Artists

It is crucial to improve the **socio-economic status** and **social protection** of artists through legislation, implementation and coordination between the member states and raise social awareness. Increasing numbers of artists and creative professionals are independent, multi-national and nomadic. Artistic creators and interpreters, as well as cultural operators are brokers across disciplines, are mobile, work flexibly, often outside the art world in the wider economy, transferring their skills and creativity into different work environments. **Important imbalances** in legal and social provisions still exist between the 27 EU countries that need to be strategically addressed in close collaboration with the arts sector.

2. Mutually Supportive and Interacting Value Chain

Creation needs a **chain of processes** in order to enhance its values and strength. This cycle comprises: **education/ training, production, dissemination/ distribution, documentation/ preservation, media/ arts criticism**. It is important to remember that each step has to be supported (by investments from the EU and MS's) and is nourished by the other; between each step there must be **adequate connections**. As in all other sectors of society, the **research and development** aspects of creativity and creation underpinning and enhancing the sector needs to become stronger; more support should be given to **interactions** between different artistic disciplines, different (sub)sectors, different economic fields and different points in the production chain. A more intensive, systematic, and wide-ranging collaboration between the arts, academic and scientific institutions, private-public initiatives to support artist-led experimentation should be implemented (individual and collective based).

3. Equal Access to Support

More **appropriate access to EU funding is required**, taking into account the realities of innovative and creative processes and the individuals and organisations which facilitate them; there is a great need to operate through **smaller, more flexible funding programmes, jointly funded and managed at local or national levels**, with more frequent, or rolling deadlines. A sharing of best practices system and an adequate and multi-lingual communication should be set up to **compare the structures and opportunities offered by the different EU and Member States programmes**.

The Platform Access to Culture and in particular, the Working Group on Creativity and Creation, should **continue to meet and work, inviting independent artists and other organisations/experts (even if independent of the EU)**.

SUMMARY OF RECOMMENDATIONS

I. Key Principles

- The EU needs new priorities in view of the financial crisis
- Artistic and cultural innovation, creativity and creation have intrinsic values
- These values need to underpin the Union's strategic thinking and planning
- We aim for the best conditions for artistic creation
- These are based on the freedom of speech and of expression
- Supporting professional infrastructures is of key importance
- This includes equitable administrative and legal environments, and
- Innovative access to culture

II. Recommendations

II.a) General

Constraints to freedom of expression within the public sector and in the wider public space, including media, political and financial suppression need to be resisted.

The situation of artists with the lowest socio-economic status or protection could be improved through investments in the arts and culture sector and creative industries and through legislation and social/political awareness. Factors such as insecure and flexible employment, nomadism and transfer of skills to other sectors should be taken into account.

The arts and culture should be **mainstreamed** into other policy areas, not only recognising their positive contribution to them, but also to support synergetic trans-sectoral collaborations.

Imbalances between sub-sectors, between EU Member States, and between other parts of the world need to be strategically addressed via adequate partnerships, inter-sectoral and interdisciplinary clusters, political and economic engagement, in close collaboration with the arts and culture sector.

Creation needs a chain of processes in order to enhance its value and strengths. This cycle comprises: education/training, production, dissemination/ distribution, documentation/preservation, media/arts criticism. Each step is nourished by the others. Research and development, deepening the knowledge base of the sector, is essential for progress.

There is a need for recognition of and support to informal networks and residencies offering creative workers - especially for those who are under-represented - space and time to research, experiment, exchange and share knowledge.

New technologies (sites, portals, on line resources) can improve and ensure access to artistic knowledge and to practical information. Support should be given for professionals' multi-purpose and transnational training.

In a multi-lingual, culturally diverse Europe, the translation of works (publications, audiovisual, live performances) is crucial to mutual understanding, inspiration and the conditions of creativity.

Artists and creative workers voices need to be heard more centrally in public consultations and enquiries of this nature.

II.b) European Union

We strongly recommend the systematic application of paragraph 4 of Article 151 of the EC Treaty, which calls on the Community to take the cultural aspect into account in its action under the other provisions of the Treaty.

(Sub)national level public discussion is important in order to share exemplary models in the public sector, in culture, social, economic and sustainable development fields.

Mobility of artistic ideas, processes, artists and arts is fundamental to creation and creativity. Recommendations from the representatives of artistic and cultural (sub)sectors must be addressed and acted upon. We urge joint reflection to address obstacles faced by artists and cultural operators from Third Countries when working in the EU. Erasmus Mundus and Youth in Action may provide models.

Access to EU funding must take into account the realities of innovative and creative processes. Small, flexible funding programmes are needed.

Best practices and beneficiaries' feedback from different EU programmes should be shared in order to improve the application and management processes of the Culture Programme.

II.c) Member States

...Should implement the 2005 UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expression, and should support the diversity of their local cultures.

...Have an important role in ensuring the recognition and exercising of intellectual property rights.

...Should support incoming (as well as outgoing) mobility of artists and cultural workers, and encourage the inclusion of people from diverse cultural origins and nationalities.

The EU and its Member States should optimise and implement a social security scheme which ensures that cultural workers can take advantage of social security benefits across Europe, in particular with relation to unemployment and pension rights.

II.d) Foundations

...Should assume their important role in the development of society by helping to improve conditions for artistic creativity and creation as vectors of human development. They should share best practices, be invited to and be involved in discussions at EU and national levels.

II.e) The Working Group Itself

The Platform Access to Culture and in particular, the Working Group on Creativity and Creation, should continue to meet and work, inviting independent artists and other organisations/experts, (even if independent of the EU).

I. Rationale: Key Principles

The **economic and financial crisis** confronts politicians as well as European civil society with the necessity to establish **new priorities**. In national and European plans the emphasis seems to be on investments in the 'hard' infrastructure such as roads, buildings and industry. If 'soft' infrastructure, such as spatial and architectural design, public art, theatre, dance, music and entertainment, artistic and cultural contributions to social issues and cultural education are considered a luxury rather than an essential part of life, very soon Europe will be an uglier, grimmer place covered only by the ever-emptying shell of materialism. Yet the EU and Member States could attain both economic and humanistic targets with the support they will be making available to confront the financial crisis. We believe that in order to maintain the bonds between European citizens and between European governments, **artistic and cultural values need to underpin the Union's strategic thinking and planning** - our intertwined histories and cultures are what unites us.

The aim of the Creativity and Creation Working Group is to advocate for the best conditions for artistic creation, to ensure access to the creative process for all, and to explore the creativity of the arts sector within the wider field of 'creativity and innovation'. In this context, the notion of **"artist" is understood as including** artistic creators (creators of original works such as authors, architects, choreographers, composers, visual and graphic artists, film directors, street artists, circus artists, etc.) as well as artistic interpreters (creative interpreters who contribute to the creation and manifestation of a work, such as but not limited to literary translators, editors, actors, dancers, singers, musicians...)

Freedom of expression and cultural diversity. The cultural associations and networks endorsing this document base the legitimacy of creation and creativity on the freedoms of speech and of expression, confirmed by European governments in numerous treaties and declarations, as well as on **Article 151 of the European Treaty**, which supports both the diversity of cultures and the conditions which make those cultures flourish. Support for cultural and artistic creation is at the heart of **democratic principles**. These include the freedom of choice, which requires both an availability of options as well as a public which has access to them and who is sufficiently educated to analyse, and exercise, its choices.

Artistic and cultural innovation and creativity have intrinsic values but they are also a means to find **new solutions**, and ways of engaging with **societal change**. Artistic creation and creativity are fundamental factors in **the development of society**, given that they are part of the process of adapting to and of confronting contemporary circumstances. Without creativity and creation, there is no humanity; they are the basis of the personal development of the human mind, and of a sharing of human inspiration. In this light, they can be seen as essential to sustainable development. Creativity and creation involve both **intangible processes and concrete manifestations**.

Values. Artistic creativity and creation allow for an understanding of personal situations from the others' perspectives; they enable the comprehension of symbols, opening the way to new meanings as well as to understanding ourselves, one another, and the other. In today's world, experience with contemporary art enriches and exercises the mind to be able to understand and live in complexity – a set of skills of crucial importance. Our heritage is both a source of contemporary creation to build into the future, and a manifestation of past creativity.

Professional infrastructure as a pillar. We highlight the key role of **facilitating and mediating structures** which form a supporting professional infrastructure without which artists and the arts can barely flourish. These may include but are not limited to cultural operators and organisations, publishers, the private and public institutional spheres, professional associations and networks, to name just a few examples.

Diversity is present in every aspect: in terms of **access** to different cultural experiences; different ways of **producing** art, cultural products and processes; diversity of **places** in which this happens, and of ways and means to **reach** diverse people or audiences.

II. Preconditions for professional creative practices:¹

> Open mind-sets within the directions of professional (public and private) infrastructures so that the personal development and experimentation of creators and cultural workers is supported,
> Fair and equitable administrative and legal environments which protect the rights of artists and cultural workers whilst encouraging public access.

> Innovative access to culture should address two fields:

- a) Creative access to concepts (work in progress, research by design, valid experiments, etc.);
- b) Creative access to 'applied creativity' (the object or the work, its innovative solutions, its complementary nature to other forms of culture, its interaction with users and different audiences).

Access to culture or art is often an ex post experience (use, visits, exhibitions, publications) that is by nature only partial and insufficient. Innovation should happen through development of ex ante or simultaneous access, which could eventually lead to improving the process.²

III. Recommendations

III.a) General

Awareness-raising about the **existing constraints on freedom of expression** needs to take place not only within the public sector but also in the wider public space, especially in terms of media or political suppression, of conditions prompting self-censorship, or indirect censorship caused by the withdrawal of public subsidies or by making funding unattainable. [See C&C Examples #1 and #2]

It is crucial to improve the **socio-economic status** and **social protection** of artists through legislation and social awareness. Increasing numbers of artists are independent, multi-national and nomadic. They need more stability. Artistic creators and interpreters, as well as cultural operators, are brokers across disciplines, work flexibly, often outside the art world in the wider economy, transferring their skills and creativity into different work environments.³

1 Taking into account that there are specific Working Groups on Education and on Participation in the Platform on Access to Culture, we have omitted references to education and participation, although we recognise their importance.

2 Ex ante: e.g. access to competition rules or programming; Simultaneous: e.g. access to construction or production site, in situ workshops; Ex post: access to the benefits, possibilities of particular existing urban or architectural forms (suburban ensembles, eco-districts...), to the follow up collaborations as well as to critical expertise on the work or the issues

3 See the NESTA enquiry into how fine arts graduates contribute to innovation throughout their working lives, based on a survey of over 500 fine arts graduates since the 1950s.

The arts and culture should be **mainstreamed** into other policy areas. The EU and MS's should be encouraged to invest in cultural sectors and develop cultural policies and strategies. Many studies have underlined the positive impact of the arts and culture in social and economic areas, not to mention territorial development, foreign relations, cooperation and development and others. [See C&C Example #3]

Imbalances between sub-sectors, between West and East, North and South need to be strategically addressed, via **adequate partnerships**, joint reflection, political and economic engagement and, most importantly, in close collaboration with the arts sector.

Creation needs a **chain of processes** in order to enhance its values. This cycle comprises: **education/ training, production, dissemination/ distribution, documentation/ preservation, media/ arts criticism**. It is important to remember that **each step has to be supported** and each step is nourished by the other; between each step there must be **adequate connections**. [See Best Practices C&C # 1 and C&C # 2]

As in all other sectors of society the **research and development** aspect of creativity and creation, underpinning and enhancing the sector needs to become stronger; more support should be given to **interactions** between different artistic disciplines, different (sub)sectors, different economic fields and different points in the production chain. A more intensive, systematic, and wide-ranging collaboration between the arts, academic and scientific institutions, private-public initiatives to support artist-led experimentation should be implemented (individual **and** collective based). [See Best Practices C&C # 3 and C&C # 4]

New creation/production infrastructures need to be created and supported which **integrate all aspects** of the artistic production chain. This can be facilitated within the framework of EU cohesion, rural development and convergence policies and programmes, the structural and pre-accession funds. [See Best Practice C&C # 5]

The emergence of **new models of governance** of these new infrastructures should also be supported in order to build **hybrid partnership models between traditional cultural institutions and alternative spaces** of creation to support the development of the independent artistic sector. [See Best Practice C&C # 6 and C&C # 7]

There is a need for recognition of and support to « **informal networks** » and **residences** that offer **space and time for research, experiment and exchange**, especially to professionals from less represented (sub)sectors such as street arts, circus, literary translation, interdisciplinary artistic projects and cultural managers. Such initiatives require sustainable support to ensure continuity.⁴ Creative hubs should exist in rural areas, not only in the urban environment.[See C&C Examples #4 and #5; see Best Practices C&C # 8 and C&C # 9]

Support should be given for **professionals' training**, for example, on the use of digitisation tools, and on the basics of cultural management. Training should be **multi-purpose and transnational**. [See C&C Example #6]

Support is needed for the **development and networking of art criticism and the media** that support and diffuse it. This can be **achieved via various levels**, including the EU's Culture Programme, programmes of the MS's and of foundations. [See Best Practice C&C # 10]

New technologies can improve and ensure **access to artistic knowledge resources**, and to **practical information**, e.g. portals, virtual resource centres and on-line public collections, with better shared documentation and more translation. [See Best Practice C&C # 11 and C&C # 12]

In the multi-lingual, culturally diverse EU and its neighbouring States, multilingualism and cultural diversity must be understood as an integral part of European identity. More exposure to works in many languages is needed (publications, audiovisual, live performance), as well as their

4 Science and research sector structures may provide inspirational models.

translation. These conditions are essential to **increase the conditions for creativity** and mutual inspiration. [See Best Practice C&C # 13]

Attention must be paid to **carbon emissions** by addressing the buildings, stages, sets of the performing arts, and by more ecologically-efficient touring of productions. [See C&C Example #7]

III.b) EU

We strongly recommend the systematic application of **paragraph 4 of Article 151** of the EC Treaty, which calls on the Community to take the cultural aspect into account in its action **under the other provisions** of the Treaty, for an effective implementation of this Article.

Creativity and creation know no borders. We urge joint reflection to address **obstacles faced by artists and cultural operators from Third Countries** when working in the EU. Erasmus Mundus and Youth in Action may provide models.

An **OMC group** should be set up to assess and monitor actions on **creativity and creation in all Member States**.

More opportunities, platforms and *fora* should be created at a (sub)national level to share and jointly analyse **exemplary models of support for cultural creativity and creation** in the **public sector**, in culture, social, economic and sustainable development fields

Mobility of artistic ideas, processes, artists and arts is fundamental to creation and creativity. We call on the EU and MS to address and act on the issues and solutions raised by the representatives of artistic and cultural (sub)sectors, and to continue to support the continuation of debate and development of the issues, access to and conditions of mobility in the arts and culture sector.

There should be more **appropriate access to EU funding**, taking into account the realities of innovative and creative processes and the individuals and organisations which facilitate them; there is a great need to operate through **smaller, more flexible funding programmes, jointly funded and managed at local or national levels**, with more frequent, or rolling deadlines.

A system for **sharing best practices** should be set up to **compare the structures and opportunities offered by different EU programmes**. Feedback by beneficiaries will help improve the application and management processes of the Culture programme.⁵

Cultural Contact Points should have extended and harmonised missions to **highlight opportunities in all EU programmes** and provide advice and information to project leaders.

Europe should be a Union of cultural diversities highlighting, promoting and investing in the rich complexity of all of its local cultures. The EU, especially as a signatory to the UNESCO Convention, should clearly encourage Member States to respect and support its local cultures. The EU can diffuse best practice and can also include the respect for diversity in the *acquis communautaires*.

III.c) Member States

MS's should concretely implement the **UNESCO Convention on Cultural Diversity**, in particular, the effective application of **Article 7.2**, which states that 'Parties shall also endeavour to recognise the important contribution of artists, others involved in the creative process, cultural communities,

5 Youth programmes have, for example, workable application forms for mobility grants, conferences, etc. even for small organisations with limited human resources. The Research programme, on the other hand, could be a good example for developing models of individual grants for artists around the objectives of 'innovation' and 'experimentation'.

and organisations that support their work, and their central role in nurturing the diversity of cultural expressions’.

MS’s can support **debates and awareness-raising** regarding creativity and creation **on local, regional and sub-national or national levels**.

MS’s should ensure that the environment for artists provides the recognition of their intellectual property rights and the possibility of exercising and enjoying these rights.

MS’s can offer support for **incoming mobility**, not only for outgoing national artists, but whenever possible they should also **encourage the inclusion and collaboration of people from diverse cultural origins and nationalities**.

MS’s can support the development and networking of non-formal, civil artistic groupings that are not formally constituted and thus cannot receive EU funds.

The EU and its Member States should optimise and implement a social security scheme which ensures that cultural workers can take advantage of social security benefits across Europe, in particular with relation to unemployment and pension.

III.d) Foundations

Foundations can play an important role in the development of society by helping to improve the conditions for artistic creativity and creation as vectors of human development. They should **share best practices** illustrating why, how (or if) they support artistic creativity and creation.

They should also be invited to, and become increasingly involved at EU and national levels in consultations and debates.

III.e) The Platform/ the Sector itself

The Platform Access to Culture and in particular, the Working Group on Creativity and Creation, should **continue to meet and work, inviting other organizations/experts**, even if independent of the EU’s timetable and timing, in order to **create synergies, deepen understanding and provide inspiration for improved working conditions**.

More **artists’ voices** should be involved in the Platform, in particular in the WG on Creativity and Creation.

Focus groups at local or regional levels (possibly in collaboration with CCP’s) could ensure a **more equitable dialogue** between the sector and the EU level.

Larger arts institutions that are not yet collaborating with **younger and more experimental artists and arts organisations are encouraged to work together**: the sector believes that it is beneficial to develop synergies between institutions and independent artists/creators, given that they are mutually dependent for both regeneration/rejuvenation and for sustainability and strength.

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www.circostrada.org > European platform for information, research and professional exchanges for the street arts and the circus arts.

www.culturalpolicies.net > Compendium of Cultural Policies and Trends in Europe, an expanding Europe-wide information and monitoring system on cultural policy measures, instruments, debates and cultural trends.

www.cultureactioneurope.org > The European Forum for the Arts and Heritage

www.culturelink.org > Network of Networks for Research and Cooperation in Cultural Development

www.elia-artschools.org > European League of Institutes of the Arts

www.efa-aef.eu > European festival association

www.ericarts.org > European institute for comparative cultural research

www.eurocult.org > European cultural foundation, support cultural cooperation

www.fitzcarraldo.it > The Foundation is a centre for research, information and training on cultural policies, cultural management, artistic development and new media.

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www.ietm.org > International network for contemporary performing arts.

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www.transartists.nl > independent foundation that informs artists of any discipline about international artist-in-residence opportunities

www.unesco.org > United Nations Educational Scientific and Cultural Organisation.

[Platform on Access to Culture]

3. Audience Participation Working Group Position Paper

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INTRODUCTION

Underlying Principles for a policy engagement on audiences participation

'Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts'

The Working Group on Audience Participation recognises the primary right to cultural participation enshrined in the above mentioned article and considers artistic practice, access to cultural expression, and participation in the arts fundamental to the development of an active European citizenship. An active citizenship is in turn central to democratic, open and inclusive European societies. The governments of the Member States of the EU do recognise the jurisdiction of the European Convention on Human Rights in all cases brought to the Court by individual European citizens. Although national cultural policy is in the hands of the Member States themselves (article 151 of the Treaty of Maastricht), the right of the citizen to have access to cultural goods and expressions in a trans-regional, trans-national European cultural space must be guaranteed in line with the above mentioned agreements, as well as with the International Covenant on Economic, Social and Cultural Rights [Art 15 (1)].

Through participation and access to arts and culture, individuals and communities not only reflect on their views on societies, imagine the world they want to live in, and elaborate individual and collective standpoints, but through the mobility of cultural and artistic expression, as well as of ideas and appreciations within Europe, people get access and benefit from the European process. In this way, social and identity issues, which are vital for participation and the development of civic awareness, are addressed and valorised.

In this sense participation opens the way to new meanings, enriches and exercises the individual and collective mind to understand and live in complexity - a set of skills of crucial importance in today's world.

Access to culture implies that all individuals have the freedom to choose between a large spectrum of available options. Conditions for providing these options must be developed on the one hand, and audiences should, at the same time, have the necessary skills to choose, thus fostering the European Union's motto "Unity in diversity". A more engaged and participative audience will not only strengthen the vitality of the culture sector in terms of creation (a more participative, critical audience will push creators to new levels) but also in economic terms (an educated participative audience places a value on cultural goods and services, and can also be a lever to increase demand and the development of new related businesses) and in social terms (culture is an invaluable tool for increased civic engagement and active citizenship).

Objective and outcome of the working group Audiences Participation

The aim of the Working Group is to advocate for the importance of taking audience participation preoccupations into account in all levels of policy making. Societies which possess a strong artistic and cultural life also see an increase of civic engagement, and therefore the strengthening of active citizenship.

On a European level, the development of a notion of European citizenship has been challenged for many years due to the absence of genuine European public spaces and debates. Artistic sensitivity and engagement – of professionals, amateurs and audiences – is a key to develop such a European public space, and artistic creation and participation should therefore be supported and nurtured as a core objective on all level-policies.

Core concept for a policy engagement

We are audiences first and foremost, and without frequent and extensive contact with and participation in the arts and culture, the idea of a European cultural space is unsustainable. Active citizenship is the objective of any democracy. Audience participation is also the food of creative practice, in the same way that the arts are the cultural DNA of creative industries.

The Working Group urges that audience participation be stated as an essential part of Europe's Creative and Civic Ecology, i.e. audience participation is one of the basic inputs/foundations of the entire creative, cultural and societal environment, including creative activities such as educational engagement or active participation.

Two core concepts motivate the Working Group on Audience Participation:

1. That frequent and growing audience participation in the arts and culture is a vital sign of a healthy, accessible and dynamic participatory society in its whole. Audience participation, a central indicator - albeit not the only - of civic and cultural vibrancy, must be a core commitment of all policy makers
2. That audience participation is part of our basic Creative Ecology, alongside artistic education and public support for the arts. The more people attend and enjoy cultural events, the more culturally aware and dynamic a society will be.

DEVELOPING BETTER AND MORE COORDINATED POLICIES TO PROMOTE PARTICIPATION IN THE ARTS

The working group seeks to promote and develop a strong and comprehensive rationale for the development of better and coordinated policies at all levels (European, national, regional and local) taking audience development and participation into account.

A transversal perspective

Achieving a broader audience participation in the arts requires a transversal approach in the development of all relevant policies. Therefore measures taken in seemingly unrelated policy fields (for example research and development, economic and social development, equal opportunities, fiscal and employment regulations, local, regional and rural development, new technologies, mobility and customs, etc.) can have an important impact on audience participation, and consequently contribute to improving individual and community well-being, as well as strengthening active citizenship.

In the field of policies, achieving greater audience participation also requires a coherent, sustained and coordinated set of measures at all political levels (EU, national, regional and local) to increase access to culture, as well as a continuous collaboration with the business sector (including access to culture into Corporate Social Responsibility practices) and the third sector.

A long-term engagement

Currently there is a lack of knowledge and information sharing at the political and civil society level on how to increase access and participation in the arts. In order to reverse this state of affairs, a long-term effort is needed from the cultural sector, civil society and policy makers. Public authorities at European, national, regional and local levels have to invest in long-term structural measures which will improve the gathering of information on audience development and participation in the arts, the development of transversal policies and their monitoring.

A consensual engagement

Audience Participation requires each citizen to have the possibility to develop his or her capacities by being exposed to a broad spectrum of artistic and cultural activities. For this exposure to be fruitful it is fundamental that all citizens have access to ‘decoding tools’ that “demystify” art and culture as directed and accessible only to an *elite* – this can be achieved by a sustained, coherent, generous work in the field of access and education, not only of children and youth but of all citizens, and of artistic creation which combined can find innovative forms to allow audiences a

- Creative access to concepts (work in progress, research by design, valid experiments, etc.)
- Creative access to “applied creativity” (the object or the work, its innovative solutions, its complementary nature to other forms of culture, its interaction with users and different audiences)
- Creative access to the diversity of the European Heritage and the questioning and exploring of interrelations between this European Heritage and the contemporary context

Policy frameworks and targeted audience of the recommendations

The Working Group positions audience participation as a policy commitment that **lies upstream of other policy instruments**. A commitment to increase participation in the arts should thus be

reflected in language, principles and commitments made by policy makers at all levels and in different policy areas.

The WG also believes that audience participation should be addressed not only by the Access to Culture Platform (in the working groups 'Creativity & Creation' and 'Education & Learning') but also by the other Platforms of the structured dialogue (the Platform for Intercultural Europe and the Platform on the potential of culture and creative industries).

Audience participation should be recognised by all actors (EU, Member States, regional and local authorities and civil society) as a pre-condition to achieving other political and social objectives such as a creative society, a strong educational system, flourishing cultural industries, intercultural dialogue, an active citizenship or economic development.

The recommendations of the WG are therefore addressed to:

- The European Commission
- The European Parliament
- The Member States and their regional and local public authorities – especially in the context of the Open Method of Coordination
- The European civil societies
- Other International Bodies and organisations
- Foundations
- The two other working groups of the 'Access to Culture' Platform
- The two other Platforms within the Structured Dialogue framework
- Individual artists

RECOMMENDATIONS

Our overarching recommendation is that audience development and an increased participation in the arts – and in society - should be mainstreamed in all relevant policies in order to achieve the three objectives of the *European Agenda for Culture*, as only when audience development and participation in the arts are recognised and addressed properly by policy-makers will policies on creativity and innovation, arts and education, youth access to culture, intercultural dialogue, multilingualism and linguistic diversity, social inclusion and citizenship, achieve their full potential.

The Working Group therefore:

1. Recommends the consistent **development of evidence-based policy making** using research, studies and data collection on barriers on access to culture, audience development, participation in the arts and their impact at individual and social level.

This can be divided into two strands:

1. a) collection of data – as well as good and bad practices - in what concerns:

- the artistic and cultural infrastructures (physical access to venues, transport, safety, etc.)
- pricing (tickets, VAT & price differentiation issues, etc.)
- target groups;

1. b) qualitative research on audience participation by age group, socio-economic conditions, language use, etc. with a special attention on policy and technical solutions to increase this participation.

The collection of data and qualitative research should be run by Eurostat, Member States, European networks, etc.

2. Recommends that audience participation is supported through **measures that strengthen the creative process**

2. a) asks that new infrastructures and contacts between the audience and all actors (producers / programmers / technicians) in all phases of the artistic creation process should be developed both in rural and urban areas as audiences are attracted and develop long-term interest in the arts and culture only when the artistic offer is diverse and of quality.

2. b) asks to support synergies between innovative forms of communication and creation that may attract new or broader audiences and long established arts institutions that have a history, infrastructures and existing audiences can both help and be revived by new types of collaborations.

3. Calls for an **increase of the diffusion of artistic activities and the mobility of artistic ideas, processes, artists, arts and audiences** at local, regional, national and European level since audience participation is triggered by the diversity and dynamism of the cultural offer. Such measures must include support to touring artists, translation of art works (including for lesser used and regional languages), support of media coverage (including more space in specialised and generalist magazines, newspapers, television, radio, net), and support for the digitalisation of contents.

4. Calls for a regulatory environment which:

- facilitates the diffusion of art works and mobility of artists and cultural workers
- optimizes the regulation on the coordination of social security schemes so that cultural workers can reap the benefits across Europe
- takes away imbalances in the area of taxation (abolishing double taxation of artists)
- eases visa and work permits facilitation for third-country national artists, especially when circulating within the EU.

An efficient and adapted framework should be developed through further collaborations between Member States. The OMC working group on mobility should regard its actions as supporting access to culture and participation.

5. Recommends that European cultural policy be mainstreamed considering its contribution to promoting social inclusion and in looking for innovative and creative ways to foster the **participation of disadvantaged groups** (for example, the elderly, the disabled, immigrants, linguistic and national minorities), and to take advantage of their potential as audiences.

6. Strongly recommends that a policy of **respect for, and promotion of, linguistic diversity** is mainstreamed into the decision-making process for all cultural policy. In a multilingual, culturally diverse Europe, linguistic awareness and the proactive promotion of languages in the field of culture will help develop audiences and participation. It is fundamental to promote the translation and availability of artworks in the appropriate official and regional European languages, on all publications, audiovisual, and live performances.

7. Strongly recommends that audience participation is supported by investing in measures directed at **capacity building and the development of skills**.

7. a) We recommend that high-quality professional development of people working in the field of the arts through creative educational programmes, life long learning and training should be supported and implemented. Qualified professionals can make sure a variety of cultural expressions are accessible. They also possess the tools to support artists, meet new market and economic challenges, access isolated audiences, and employ innovative technology.

7. b) We recommend to support the development of art criticism through, for example, incentivising the creation of more space and time in the media for qualified art criticism, informal forums and debates mediated by qualified experts, as well as the development of workshops on analysing of performances. Only if audiences can further their ability to understand, analyse, criticise and participate in the arts will an active European citizenship be further developed.

7. c) We recommend support for innovative socio-educational projects, in cooperation with the Ministries responsible for Education and Social Affairs. Such projects should be supported both by national, regional and local authorities as well as the EU as they constitute a valuable element in the achievement of shared policy objectives (rural and urban development, social cohesion, intercultural dialogue,...).

7. d) We recommend that measures are taken to improve communication channels between cultural institutions and public authorities, educational institutions as well as creative industries as for example:

- forums organized by local civil society organizations in partnership with regional and national structures
- conferences / platforms which bring together networks and umbrella organizations, education institutions, funding bodies and other organizations active in the area;
- a reference website, which will collect and make available information (actors, policies, funding bodies and funding sources,...), relevant literature, links to useful sources, websites and institutions.

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RESEARCH

Building Arts Participation: The Montana Study

by Louise K. Stevens, ArtsMarket Inc.; commissioned by The Montana Arts Council, © 2002

The findings from this study of a largely rural state parallel those of other studies, particularly in looking at the motivators for and barriers to participation. In Montana, outdoor recreation is the number one leisure time activity, followed by church attendance. Participation in arts and cultural activities is a close third.

Classical Music Consumer Segmentation Study

Commissioned by the John S. and James L. Knight Foundation Alan S. Brown, Audience Insight LLC, © 2002

With more than 25,000 interviews with potential classical music consumers and orchestra ticket buyers in 15 cities, this study offers "a sweeping view of an art form in transition and an orchestra field increasingly detached from its potential customers." NOT FOR CLASSICAL MUSIC PRESENTERS ONLY.

Cultural Collaborations: Building Partnerships for Arts Participation

by Francie Ostrower commissioned by The Wallace Foundation, published by The Urban Institute, © 2003

"Partnership offers a powerful tool for strengthening participation-but grant makers and grantees need to better recognize its possibilities and limitations."

Gifts of the Muse

by Kevin F. McCarthy, Elizabeth H. Ondaatje, Laura Zakaras, Arthur Books, commissioned by The Wallace Foundation, published by The RAND Corporation, © 2004

This RAND study seeks a broader understanding of the arts' full range of effects, including both instrumental and intrinsic benefits. It argues for recognition of the contribution that both types make to the public welfare, but also of the central role intrinsic benefits play in generating all benefits. And it calls for efforts to sustain the supply of the arts with a focus on building demand, particularly by strengthening early exposure.

Immigrant Participatory Arts: An Insight into Community-Building in Silicon Valley

by Pia Moriarty Cultural Initiatives Silicon Valley, © 2004

The result of a six-month qualitative study, the report highlights ways in which Silicon Valley (California) immigrants are building community through participatory arts practices.

A New Angle: Arts Development in the Suburbs

by Carolyn Bye The McKnight Foundation, © 2002

Reveals the surprising extent of artistic expression that has emerged in recent years in the suburbs of St. Paul/Minneapolis. Thought-provoking reading for suburban presenters and developers, and for city-based cultural organizations whose audiences live in the suburbs.

Performing Arts Research Coalition (PARC)

Research by The Urban Institute, ongoing publications

Research on the value of the performing arts as experienced by both attendees and non-attendees of arts events, along with audience and subscriber satisfaction. Funded by a major grant from The Pew Charitable Trusts, the research is focused on 10 cities across the country, including Boston.

Reggae to Rachmaninoff: How and Why People Participate in Arts and Culture

by Chris Walker, Stephanie Scott-Melnyk, Kay Sherwood commissioned by The Wallace Foundation, published by The Urban Institute, © 2002

Through a detailed analysis in three communities, the report presents information "on how and why people participate in arts and culture that has important implications for how arts and culture providers and supporters, and people engaged in community building, attempt to reach and involve their publics."

The Values Study

Commissioned by The Connecticut Commission on Culture and Tourism, written by Alan S. Brown & Associates LLC, © 2004

The results of an industry-wide investigation by teams of arts administrators and board members from 20 arts organizations, the study includes a conceptual framework for thinking about how individuals participate in the arts and the benefits, or values, they receive from their participation. In addition to this framework, the study includes summaries of 40 of the 100 interviews conducted as a part of this research.

RESOURCES

The Wallace Foundation Knowledge Center

On their web site's "Knowledge Center," The Wallace Foundation includes downloadable versions of research and other publications they have sponsored, along with success stories from cultural organizations across the country. For example:

The Diversity of Cultural Participation Findings From a National Study

Motivations Matter: Findings and Practical Implications of a National Survey of Cultural Participation

The Reality Underneath the Buzz of Partnerships

A New Framework for Building Participation in the Arts

by Kevin F. McCarthy and Kimberly Hinnett commissioned by The Wallace Foundation, published by RAND, © 2001

The primary source for the RAND decision-making model and participation grid.

Design for Accessibility: A Cultural Administrator's Handbook

developed by the National Assembly of State Arts Agencies, the Kennedy Center for the Performing Arts, the National Endowment for the Arts, and the National Endowment for the Humanities; funded by MetLife, © 2003

According to this practical, nuts-and-bolts guide, "inclusion must be ever present in our vision." The book offers down-to-earth expertise on making facilities and programs accessible to disabled individuals (including senior citizens), and many of the suggestions - i.e., adequate signage, adequate lighting, adequate information at the box office-make sense in making your programs and facilities accessible to everyone.

Increasing Cultural Participation: An Audience Development Handbook

by Paul Connolly and Marcelle Hinand Cady commissioned by The Wallace Foundation, distributed by APAP, © 2001

This set of tools, stories, and worksheets introduces an approach to planning, developing, implementing, and evaluating participation initiatives. Note that this resource was published just prior to the release of the "RAND Framework," so it does not exactly correlate with the very latest thinking, but it still contains useful tools.

From Mission to Motivation: A Focused Approach to Increased Arts Participation

by Sharon Rodning Bash, Metropolitan Regional Arts Council, © 2003

This workbook was adapted from a training developed specifically to introduce the RAND participation framework to small and grass-roots organizations. Its step-by-step hands-on approach makes it a useful tool in facilitating a collaborative planning process (among board and staff; among multiple organizations; ...).

SADI (Statewide Audience Development Initiative)

by Minnesota State Arts Board, © 2002

As a part of their Wallace-funded START Initiative, the MSAB has developed two excellent resources: The SADI Learning Materials is an excellent recap of the RAND framework and the process of implementing it. The SADI Training Workbook (95 pages) is an excellent supplement for those who like worksheets and workbooks.

The Road to Action: A Facilitator's Guide for Group Planning

by Peg Sallade and Jim Ryan, Northeast Center for Healthy Communities, © 2004

This useful guide offers activities, agendas, and other practical aids in planning and facilitating an action-planning process. Appendices include worksheets, practical tips for meeting facilitators, planning meeting checklists, and other resources. If you are a workbook-type thinker, this is a great resource.

NLG Project Planning: A Tutorial

This tutorial is designed for museums, libraries, and related organizations that are applying for National Leadership Grants (NLG), but even if you have no intention of applying for a grant from IMLS, this is an excellent primer (or refresher) on everything from audience needs surveys through evaluation.

NEA Intro to Logic Models

An on-line tutorial on the logic model.

W.K. Kellogg Foundation Evaluation Handbook

© 1998 W.K. Kellogg Foundation

Logic Model Development Guide

© 2001

Available online through the W.K Kellogg Foundation, these handbooks provide an excellent framework for thinking about evaluation as a relevant and useful program tool.

Creative Research Systems

A commercial firm that develops software for market researchers, pollsters, human resource professionals, and others who use questionnaires. On the site's "Research Aids" section, look for "Survey Design," an excellent introduction that includes the advantages and disadvantages of various types of surveying and interviewing techniques. The site also includes a dandy "Sample Size Calculator" that will tell you how many respondents you need for statistical reliability, given the degree of certainty, margin of error, and total population. *NOTE: MCC is recommending the free resources on this web site. This should not be considered an endorsement of Creative Research Systems, its products, or services.*

Surveying Clients About Outcomes

by Martin D. Abravanel; published by The Urban Institute, © 2003

Available as PDF on Urban Institute's website (www.Urban.org, then search site by author or title.) More thorough and detailed than the above, this 58-page guide provides information about developing and using surveys. Written for social service providers (note "client" rather than "audience"), the material is easily translatable for use in initiatives designed to increase cultural participation.

LINKS / ONLINE INFORMATION

Audience and Subscriber Survey Training Manuals and Procedures for Local Member Organizations

prepared for the Performing Arts Research Coalition (PARC) by The Urban Institute, 2002

Very detailed, nuts-and-bolts manuals for planning, distributing, and collecting audience surveys and subscriber surveys, these were written for use by performing arts organizations in ten cities involved in PARC (a multi-year research partnership of five national service organizations and funded by the Pew Charitable Trusts). While written specifically for the administration of the PARC surveys, the tips and techniques are applicable to other audience and subscriber (or member) surveys. Appendices for each manual include the actual surveys used.

Source: http://www.massculturalcouncil.org/services/participation_biblio.html

Factores condicionantes de la participación cultural1

Dr. Lluís Bonet i Agustí Director de los Cursos de Postgrado en Gestión Cultural Universidad de Barcelona. Artículo cedido por el autor al Portal Iberoamericano de Gestión Cultural para su publicación en el Boletín GC:Gestión Cultural Nº 11: Participación Ciudadana, marzo de 2005. ISSN: 1697-073X. <http://www.gestioncultural.org/boletin/pdf/bgc11-LBonet.pdf>

Cultural Participation and Creativity in Later Life. A European Manual

[Almuth Fricke](#) / [Sylvia Dow](#) (Hrsg.)

Schriftenreihe [Kulturelle Bildung](#)

vol. 14, München 2009, 182 Seiten ISBN-10 3-86736-314-5 ISBN-13 978-3-86736-314-3

http://www.kopaed.de/kopaedshop/index.php?PRODUCT_ID=618

La participación cultural en España

Ariño, Antonio (dir.); Castelló, Rafael; Hernández, Gil Manuel; Llopis, Ramón

Editorial: Fundación Autor - Sociedad General de Autores y Editores (Colección Datautor / Madrid, 2006)

ISBN: 978-84-8048-716-0

<http://www.elargonauta.com/L19355-la-participacion-cultural-en-espana.html>

Consumo y participación cultural Por Rubén Gutiérrez del Castillo

<http://www.expansion.com/accesible/2009/03/16/empresasminegocio/1237231970.html>

« Avignon ou le public participant », *Une sociologie du spectateur réinventé* (Editor: L'entretemps)

« L'âge du public et du spectateur », *Essai sur les dispositions esthétiques et politiques du public moderne* (Editions La Lettre vole)

Website "Le Spectateur européen",

http://www.net.esa-paris.fr/~nicolas_hannequin/index_fichiers/1.html

International Organization of Scenographers, Theatre Architects and Technicians,

<http://www.oistat.org/>

<http://www.vustat.org/eng/index.html>

"Défilé sécuritaire" project for "politically incorrect" invasion of the space:

<http://www.artisnotdead.fr/index.php?a=en&page=actions&id=26>

"Statues of the suburbs" hip-hop with the young in the neighbourhoods:

<http://www.artisnotdead.fr/index.php?a=en&page=actions&id=23>

"Romanian song" Interactive project:

<http://www.artisnotdead.fr/index.php?a=en&page=actions&id=28>

Zinneke parade, participation and creativity:

http://zinneke.org/2008/presentation/orientations_participatif

European Agenda for Culture

Open Method of Coordination

*Working Group on developing synergies with education,
especially arts education*

Intermediate report - English version, August 2009

Editor: Jean-Marc Lauret

European agenda for culture
Working Group on developing synergies with education, especially arts
education

Intermediate report - English version, August 2009

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1. General presentation

In order to implement the European Agenda for culture, the European Union's Council of Ministers of Culture decided to establish in May 2008, 5 expert groups, one of them with a mission to develop synergies between education and culture, notably through arts education.

Identifying, sharing and validating best practice will enable it to make recommendations for specific measures and their implementation in each Member State, to propose initiatives for cooperation between Member States and at the European level, to provide methodological tools for evaluating progress, and to formulate policy recommendations.

The working group consists of experts appointed by 26 EU countries (Slovakia decided not to participate).

We have been given two deadlines:

- an intermediate report to be delivered in July 2009,
- the final report to be delivered in December 2010.

The opening session of the working group took place in Brussels on 22 September 2008. At this occasion, a representative of the French Ministry of Culture was designated as Chair.

Four main sets of questions emerged from the discussions at the 22 September session¹:

1. **The content to be given to the notion of education in culture and the arts**

- transdisciplinarity (the development of synergies between education and culture cannot be reduced to a reinforcement of the place of arts teaching, but seeks to include a dimension of arts and culture into all teaching);
- new forms of cultural expression and artistic practice: how can these be included in a way that overcomes the division between "established" culture and the cultural and artistic practices of young people?
- the role of media and the cultural industries as vectors of cultural production and diffusion. How can this role be recognized in policies which have so far been confined to encouraging visits to cultural institutions and introducing people to artistic practices?
- heritage education. How can heritage education policy be reformulated within multicultural societies?

2. **The role of cultural institutions and artists in education in culture and the arts; the role of civil society; the balance between formal and non-formal education;**

3. **The training of teachers, providers of non-formal education, artists and culture professionals in methods of education in culture and the arts;**

4. **Evaluation and assessment: the (formal or non-formal) assessment of skills acquired by children and young people and the evaluation of the impact of policies and action in education in culture and the arts.**

Member States' representatives were invited to make a presentation on the policies implemented in their own country (by the state and local authorities) in each of these areas, illustrated by examples of "best practice"

¹ The detailed proposals of each will be found in annexe (Jean-Marc Lauret's concluding address).

and concluding with a set of proposals transferable throughout the Union. The experts were also invited to address each of these subjects at a European level.

For the period leading up to the intermediate report it was decided to concentrate on only some of the themes from the first two sets of questions:

1. The content to be given to the notion of education in culture and the arts

- transdisciplinarity;
- heritage education.

2. The role of cultural institutions in education in culture and the arts, partnerships between cultural institutions and schools

By contrast, it was judged feasible to consider all the themes of question sets 3 and 4 in the intermediate report.

Four subgroups were established on these themes. Subgroups 3 and 4 merged at their first meeting. The following volunteered as subgroup leaders:

- Subgroup 1 on content: Barbara Neundlinger (Austria)
- Subgroup 2 on partnerships: Jan–Jaap Knol (Netherlands)
- Subgroup 3 on evaluation: Paul Collard (United Kingdom)

It was agreed that documents could be exchanged in the virtual collaborative workspace CIRCA (<http://circa.europa.eu>)³. The Chairman notes with regret that this shared workspace has not been well used so far and would like it to be better used in the future in order to facilitate exchange among participants.

Since the opening session of 22 September, the working group has met three times, on 2 February 11 March 2009, first in subgroups and then in plenary session and on 17 June in plenary session in order to examine this intermediate report. Appended are the minutes of the three meetings drawn up by Leonor Wiesner, the European Commission official responsible for relations with the group, whom your reporter would like to thank for her availability and skill. A last meeting has taken place in Göteborg on 30 July during the conference « Promoting a Creative Generation » organised by the EU's Swedish presidency. At this occasion it was decided to insert in the report a summary of recommendations, to harmonize the presentation of the three sub-groups reports and to shorten the part devoted to describing the content of cultural and arts education.

This report is not an exhaustive account of the discussions held over four days of work, but presents the recommendations arising out of the activities of the three subgroups. The general introduction seeks to establish a common language for the members of the group on the aims of education in culture and the arts, the aptitudes and skills such education develops, and the three complementary approaches of its practical implementation.

² Each country has a folder with three sub-folders corresponding to each subgroup. It was also agreed that the members of the "Access to culture" platform would have access to the documents uploaded to CIRCA and vice versa.

³ Each country has a folder with three sub-folders corresponding to each subgroup. It was also agreed that the members of the "Access to culture" platform would have access to the documents uploaded to CIRCA and vice versa.

2. Summary of recommendations

The reinforcement of synergies between education and culture is justified by the acknowledgement of the impact that quality artistic and cultural education might have on the key competences for lifelong learning as described in the reference framework adopted on 18 December 2006. It also allows for the development of specific competences on which the continuity between the aesthetical experience and the other relationships to the world is based. Its implementation –depends on a reinforcement of the status of artistic and cultural education in formal, informal and non-formal education and the recognition of the right to lifelong artistic and cultural education.

- The reinforcement of synergies between education, culture and also youth leads to putting the emphasis on a transdisciplinary approach to artistic and cultural education. The recommendations addressed to the Member States establish the conditions necessary to the implementation of a transdisciplinary artistic and cultural education:
 - Integration of transdisciplinarity in school curricula (Recommendation 1);
 - Project-based pedagogy as a corollary of a school curriculum based on transdisciplinarity (Recommendation 2);
 - Work in pluridisciplinary teams, both in schools and cultural institutions (Recommendation 3);
 - Partnership between schools, cultural institutions and local education and culture players (Recommendation 4);
 - Recognition of coordination functions within administrative, educational and cultural structures at the European, national and local levels (Recommendation 5);
 - Complementary consequent training of teachers (Recommendation 6)

The Group also invites the European Union to include artistic and cultural education in a transversal manner in all its programmes and initiatives, especially those addressed to young people for whom cultural offer is less accessible (Recommendation 7).

- Heritage education allows the identification of one's individual story in the collective history. The recommendations addressed to the Member States concern the contents of the notion of heritage education and its objectives:
 - Allow each child and the population of each Member State to know its heritage (Recommendation 1);
 - Make young people aware of sustainable development issues(Recommendation 2);
 - Promote openness to the heritage of others (Recommendation 3);
 - Strengthen the sense among European citizens of sharing a European identity (Recommendation 4).

The recommendations also concern the means to attain these objectives:

- Establishment of a partnership between the different Culture, Education and Environment authorities involved (Recommendation 5);
- Introduction of heritage education in school curricula (Recommendation 6);
- Establishment by national heritage protection laws of an obligation to set up an education service in heritage sites benefiting from public funding (Recommendation 7);
- Implementation of a transdisciplinary approach (Recommendation 8);
- Training of teachers and development of adequate pedagogical tools (Recommendation 9);
- Cooperation between schools and heritage institutions and corresponding professionals (Recommendation 10);

- Training of heritage professionals in approaches to heritage education and education in architectural culture (Recommendation 11);
- Support for local initiatives by organisations and establishment of a network of these organisations (Recommendation 12);
- Encourage the presence of contemporary artists in heritage sites (Recommendation 13).

It is also highly desirable that the European Union supports the inclusion in the Culture programme and in the European Heritage Label of support for mechanisms aimed at facilitating contacts between young Europeans at the most iconic heritage sites, the development of teaching tools with a multilateral dimension and the networking of different players in heritage education (Recommendation 14).

- Cultural and artistic educations correspond to a joint responsibility from the education and culture worlds.

Several recommendations are addressed to the Member States: to embed cooperation between schools and cultural organisations in a long term strategy, promote its sustainability, invite both parties to actively participate in this cooperation and submit it to a periodic evaluation (Recommendation 1). To promote the reinforcement and sustainability of the cooperation it is necessary to make an inventory at the national level of the pre-requisites, the possibilities and the obstacles for cooperation and create networks between schools and cultural institutions (Recommendation 3). It also implies the improvement of artists training and the exchange of good practices between Member States (Recommendation 4). Finally, it also depends on the recruitment of teachers open to transdisciplinarity and the appointment of cultural coordinators in schools.

The European Union is invited to promote the exchange of information and knowledge on cooperation between the education and cultural sectors by facilitating EU-wide networks and the realization of an EU-wide glossary and portal on cultural education (Recommendation 2). The EU could also promote cooperation actions between schools and cultural organisations from different countries throughout the EU (Recommendation 6).

- Evaluation is an important dimension of artistic and cultural education policies, not least since it allows checking the divergence between declared intentions and their real implementation. The inclusion of evaluation programmes in the national policies is therefore strongly recommended (Recommendation 1). At the European level (Recommendation 2), it appears indispensable to integrate the evaluation thematic in community programmes dedicated to teachers training and in the creation of multilateral pedagogical tools. The Union could also support the creation of a common EU-wide working and exchange space (Recommendation 3).

3. General Introduction

THE AIMS OF EDUCATION IN CULTURE AND THE ARTS

The development of synergies between education and culture primarily affects children and young people of school age, raising the question of whether education in culture and the arts should be regarded as a tool for improving academic results, a means of reinforcing pupils' capacity to see projects through, to cooperate and to follow a project's development and results, or rather in terms of the specificity of artistic approaches, as a means of preparing children to "inhabit the earth poetically" in Hölderlin's phrase, to transform their relationship to the world and to themselves, to discover "the infinite faces of life" and to learn to mobilize within themselves "that part of human beings that resists calculated projects", to borrow the words of René Char. The answer is perhaps all these things at once, but it is clear that the ambition is not the same in each case. Beyond individuals as pupils, the effects of education in culture and the arts extend to the whole person at every stage of life.

DEVELOPING SYNERGIES BETWEEN EDUCATION AND CULTURE: EDUCATION IN CULTURE AND THE ARTS AT SCHOOL

The debate on the aims of education in culture and the arts at school is often posed in terms of "learning through the arts" or "learning in the arts". This tension between the two poles of education in culture in the arts reflects the way that its potential effects are divided into "extrinsic" and "intrinsic" effects. Depending on whether teaching is explicitly intended to improve academic results in non-arts subjects or to introduce pupils to knowledge and practice in the arts, either the "extrinsic" or "intrinsic" effects will be emphasized. While recognizing the impact that education in culture and the arts can have on key skills for lifelong education and training, as set out in the frame of reference adopted as a recommendation by the European Parliament and Council on 18 December 2006 (and notably on the ability to communicate in first and foreign languages, skills in mathematics, basic skills in science and technology, and numeracy), it is crucial to stress that education in culture and the arts develops specific aptitudes and skills that bring about "the continuity of aesthetic experience with normal processes of living", as John Dewey puts it, and other relations with the world.

APTITUDES AND SKILLS DEVELOPED BY EDUCATION IN CULTURE AND THE ARTS

- the capacity for shared exploration of all the possibilities of a given situation. Pupils asked to do school exercises are used to looking for a single right answer, which the teacher already knows, and rejecting all other answers, regarded as wrong. On the contrary, involvement in an art project has more in common with research and exploration than with an algorithmic procedure whose stages are marked out in advance. It teaches that there are many right answers possible to the questions we face in seeing the project through. It also teaches us that the result is never known in advance and must always be constructed. Each of us can attest that in almost all the different fields of human experience, be they individual or collective, we very rarely come across questions to which there is only one right answer, particularly one known in advance by some political, moral or religious authority.
- the capacity to imagine that which one cannot directly observe, and thus to plan and to anticipate. The development of these capacities is closely linked to self-confidence and the capacity to express oneself.
- the capacity to demonstrate originality, to develop one's own answer, to begin to construct a singular, personal view of the world. This is crucial to the construction of personality and plays a part in building self-esteem.
- the capacity to maintain and develop the innate creative and communicative skills of children and to encourage them to be co-creators.
- the ability to cope with the tension generated by dealing with situations that cannot be managed by

rational processes alone. This leaves a choice between running away from problems and persevering, learning to manage the tension inherent in waiting, and to seek out the sudden realization that generates solutions beyond anything reason could have provided.

- the understanding that an artistic practice requires effort and concentration, above and beyond the freedom of expression that it permits. Work on forms of expression is an essential stage in self-expression, enabling individuals to enrich their expression and render it communicable. While insistence on spontaneity for its own sake imprisons individuals in themselves, involvement in an artistic project enables them to open up to others and to communicate their personal experience.
- the ability to locate one's work in the world, to subject it to the eyes of others. This introduces children to the relationship of their own creations to those of their peers, and also to professional practices. Such an introduction must take place over time and be reinforced by new experiences. It fosters critical thinking – first and foremost in relation to oneself. It is of course dependent on a sufficient level of self-esteem and enables individuals to avoid turning self-esteem into self-importance. This ability to submit one's own output to the eyes of others is encouraged by encounters with works of art and by seeing these works in the context of the history of the arts and of societies. It helps to forge a sense of being part of a shared culture and encourages a respect for cultural differences.

The acquisition of these abilities makes it possible to highlight the link between the acquisition of the key skill of cultural sensitivity and expression and the other seven key skills, in particular “learning to learn”, “social and civic skills” and “a spirit of initiative and enterprise”.

Finally, we can assert that the acquisition of these skills constitutes a relevant factor for strengthening the social cohesion in European societies.

THE THREE COMPLEMENTARY APPROACHES OF EDUCATION IN CULTURE AND THE ARTS

Learning about aesthetic codes and an awareness of the relationships between the works and styles of which art history is formed enable us to understand works of the human artistic and cultural heritage, to construct a faculty of aesthetic judgement and to be receptive to new forms of artistic expression. These things are also fostered by personal involvement in artistic practice which, when overseen by artists, constitutes an introduction to the methods of artistic creation.

Beyond the transmission of knowledge, education in culture and the arts seeks to foster a personal view of the world in children and young people. To this end, it draws on their sensibilities and requires mechanisms to be developed in which children and young people take an active position, enabling them to discover for themselves the multiplicity of ways in which artists have looked at the world, to compare their different imaginative approaches and subject them to critical appraisal.

Education in culture and the arts is organized in terms of three complementary approaches:

- a direct relationship with works of art (through performances, concerts, exhibitions, reading and so on), both contemporary pieces and those that are part of heritage;
- an analytical, cognitive approach to works of art (such as studying the history of art or relating the understanding of art works to the other fields of knowledge) which constitutes the cultural dimension;
- introduction to artistic practices in a studio context.

Experiencing art works, the cultural approach, and artistic practice all feed into one another. A direct relationship with works of art (watching a performance, listening to a concert or a piece of recorded music, looking at a painting, reading a work of literature, etc.) and the aesthetic experience which results from it are not passive attitudes but must be understood as active processes involving both cognitive and emotional responses. It is important to use appropriate means to develop such active responses in children and young

people (as well as adults), combining observation and practice through the development of transdisciplinary approaches. Engagement in an artistic practice as an introduction to the processes by which artworks are made plays an irreplaceable part in learning the languages of art. But practice unrelated to existing artworks would be confined to learning about the techniques of expression, just as experience of artworks that was not part of a dialogue with personal practice would bypass an essential dimension of artistic creativity. The cultural approach unrelated to artistic practice and without experience of artworks would lack the poetic dimension of sensibility supplied by multidimensional education in culture and the arts. On the other hand, the cultural approach makes it possible to place individual works and personal practice in a social and historical context and is thus part of the construction of a personal cultural identity.

DEVELOPMENT OF SYNERGIES BETWEEN EDUCATION AND CULTURE THROUGHOUT LIFE

When policy for education in culture and the arts seeks to recognize the three complementary approaches described above, these aims and the importance of training in these abilities for individual and collective development should be recognized and reflected across all Member States of the Union by:

- the reinforcement of the role of education in culture and the arts in the education and training of children and young people, as part of the overall set of knowledge and skills that pupils should have acquired by the end of compulsory schooling through the inclusion of a dimension of culture and the arts in all subjects ;
- the reinforcement of artistic and cultural content in activities offered to children in the context of non-formal and informal education;
- reinforcement of the role of culture and the arts in universities and in the initial and in-service training of teachers

Lastly, given that – as advocated by the Council of the European Union – support for the development of the education and training systems of Member States that seek to ensure

- a) the personal, social and professional fulfilment of all citizens;
- b) sustainable economic prosperity and employability, while promoting democratic values, social cohesion, active citizenship and intercultural dialogue,

must take account of lifelong education and training in all formal, non-formal and informal educational contexts, it would seem desirable to extend Member States' policies in the field of education in culture and the arts to include adult populations and to recognize the right of every adult not only to lifelong professional training, but also to cultural education throughout life. The recognition of this right will bring about a full recognition of the role of parents and of adults in general as full partners of the education community, alongside teachers, artists and culture professionals.

Bringing arts and education together at this very moment is all the more relevant looking at the enormous amount of inspiring examples in various parts of Europe and considering that new strategies for culture and education in Europe will soon be formulated.

4. Content to be given to education in culture and the arts

If strengthening synergies between culture, education and youth is a main objective of policies in the field of cultural and arts education, it is because arts and cultural education must be conceived as transdisciplinary. It is this transdisciplinary dimension which will allow us to overcome separations between administrative authorities of these three fields at every level: community (EU) national, regional, local, and to include mediators in cultural, educational and youth institutions so that these worlds, too often separate, come together.

TRANSDISCIPLINARITY

Young people are used to working, playing and learning in a transdisciplinary way outside school. We favour transdisciplinary working in arts and other subjects because it not only fosters education in the arts but also provides attractive lessons for children. In addition, culture is not a specific type of knowledge but rather an element which links different fields of knowledge. Meanwhile arts education feeds and transforms the relationships we have with ourselves, others and the world. Arts education must enter into dialogue with all the subjects taught in the education system. One aim of education in culture and the arts is to escape compartmentalization in disciplines, including those that structure the teaching of the arts, and to encourage transdisciplinary approaches.

1. Transdisciplinarity: what does it mean? what are its aims?

First of all, it is important to distinguish between transdisciplinarity, interdisciplinarity, and indeed pluridisciplinarity.

Pluridisciplinarity (or multidisciplinary) involves looking at an object of study from different points of view, juxtaposing different specialist approaches. This involves the (conscious or unconscious) coexistence of several disciplines simultaneously focusing on the same object of study.

Interdisciplinarity assumes dialogue and exchange of knowledge, analyses and methods between two or more disciplines. It implies interactions between several specialists and their mutual enrichment.

Transdisciplinarity is an intellectual position whose aim is to understand complexity; it seeks to connect different methods and bodies of knowledge in order to foster a holistic approach to thinking and problem-solving. Transdisciplinarity differs from interdisciplinarity in that it goes beyond disciplines. It is not a “meta-science”, its aim does not relate to the logic of disciplines. In other words, transdisciplinarity does not involve the mastery of several disciplines, but the opening of all disciplines to themes which pass through and beyond them.

Transdisciplinarity is supported by pluridisciplinarity and interdisciplinarity, but goes beyond them to encourage an integrated view of a subject, leaving discipline-based approaches behind.

The first recommendation is to raise awareness of these definitions in order to avoid the frequent confusion between the different terms and to clarify the aims we should like to pursue.

2. Transdisciplinarity and education in culture and the arts

Transdisciplinarity teaches us to think contextually and globally and to express ourselves in concrete terms. Going beyond structured forms of knowledge (disciplines), transdisciplinary education re-evaluates the role of intuition, imagination, sensibility and the body in the transmission of knowledge. Education in culture and the arts is particularly well suited to transdisciplinarity.

- a) Beyond arts teaching which, in most European countries, focuses on the visual arts and music, education in culture and the arts aims to **introduce a dimension of culture and the arts into all teaching**.

Some examples help to better understand what it is about.

The inclusion of a dimension of culture and the arts in the teaching of literature is now widely recognized as a real enhancement. Complementing the reading of a work of literature with a theatrical adaptation (arts dimension) or contextualizing and cross-fertilizing literary analysis with other fields of knowledge (cultural dimension) are now major elements in the teaching of literature. The presence of a choreographer working with teachers of physical education and opening up their training to the world of dance makes it possible to enrich approaches to movement with an aesthetic dimension. In a more general sense, education in culture and the arts can be a backup to teach other subjects (for example, the analysis of works of art can be a backup to teach history, theatre and music lessons for training languages, dance or music lessons to teach mathematical notions).

There is a long way to go before the contributions of cultural and arts-based approaches are acknowledged across all disciplines, particularly in the sciences, where comparison of the approaches of artistic creation and scientific research and the cultural contextualization of science are concerns that remain too marginalized. To change this situation, a complete overhaul of curricula and teaching methods is required⁴.

- b) ***Relating the history of each art to the other artistic domains, and the history of the arts to other fields of knowledge.***

The teaching of the history of the arts can be seen as the first vector for introducing a cultural dimension into all teaching. The transdisciplinary approach must make it possible to construct a history of the arts that does more than simply linking the histories of the different domains of art, structured in terms of the major currents that have made the history of art: Romanesque, Gothic, Baroque, etc.

The transdisciplinary approach to the history of art will also make it possible to relate the history of art to the other fields of knowledge: language and literature, history and geography, citizenship, modern and ancient languages, philosophy, the sciences, economics, sociology, technology and sport.

- c) ***Updating our approach to the notion of aesthetic experience by cross-fertilizing the viewpoints of artists with different disciplinary fields.***

How can one “enter into the picture”, to borrow the phrase used by Diderot in his *Salons*, moving from what we feel on first encountering the work to the construction of a cognitive and affective relationship to it? This issue of how works of art are received of course applies to all artistic fields and all works of art.

Intersecting views and making connections between the different approaches of the visual arts, choreography, theatre and music are part of the answer to this question. The cooperation between the major national institutions under the aegis of the French Ministry of Culture led to several projects which follow this approach⁵.

⁴ We can name as an example of good practice, the Aurora schools project presented by Finland: “Instruction in music, visual arts, crafts, and physical education is integrated into every school subject and all education, and the aim of this kind of ‘instilling’ is to develop the operational culture of school. This kind of ‘instilling’ calls for the strengthening of arts education, too” (www.aurorankoulu.net)

⁵ We shall mention only one example here: “Chaillot nomade au Louvre” is a scheme born out of a partnership between the Théâtre national de Chaillot and the Musée du Louvre. A choreographer is invited to devise a tour through the artworks (paintings or sculptures) on display in the Louvre that resonates with the performance he is presenting at Chaillot. An expert on the history of art from the national museums acts as guide on the tour, which may involve groups of pupils, students, Members of the Théâtre

All these projects confirm our view that, in the field of education in culture and the arts at least, *transmission* is not a vertical process from the one who knows to the one who does not, but a space of circulation and exchange, where invention is as important as learning.

3. How can transdisciplinarity be developed?

Recommendation n°1 to Member States: Integration into school curricula is the main vector for developing transdisciplinarity.

Recommendation n°2 to Member States: Project-based teaching is the corollary of a school curriculum based on interdisciplinarity and also extra-curricular activities outside school.

Recommendation n°3 to Member States: Work in pluridisciplinary teams is indispensable to the implementation of transdisciplinarity. In the first place, this concerns the implementation of teaching, notably in secondary schools (the versatility of primary school teachers facilitates the transdisciplinary approach) and should have concrete consequences for pupils' timetables. This is also true for cultural institutions when they relate to different artistic fields.

Recommendation n°4 to Member States: Partnerships between schools and cultural institutions and, beyond these, local policy makers for education and culture also facilitate transdisciplinarity. Partnerships facilitate reciprocal learning for both sides, help to launch a process of change within institutions and foster the understanding and recognition of new target groups in schemes aimed at particular sections of society.

Recommendation n°5 to Member States: More generally, in this perspective and in order to facilitate transverse cooperation, the function of the coordination of education in culture and the arts should be recognized within administrative authorities at the local, national and European level as well as in cultural and educational institutions.

Recommendation n°6 to Member States: Transdisciplinarity requires support in the form of **teacher training**; training provided by universities remains too specialized.

National de Chaillot, or simply visitors to the museum. The aim is to set up an exchange between the artist's way of seeing the works and that of the guide. The comparison of visual works from the national collections and dialogue with the guide enable the choreographer and dancers to experiment with new ways of touching the audience's emotions, a new type of dialectic between representation and reception. The guide speaks in counterpoint to the artist and describes how his own view of works he knows well has been transformed. This unexpected encounter between artist and expert, with its circulation of references to different worlds, touches the audience's emotions and enriches and expands their way of seeing both the dances performed in front of the paintings – visual transpositions in the proprioceptive mode – and the paintings or sculptures on display, which both artist and expert each see from different viewpoints. *In this approach of plurality and homage to diversity*, the aim, to borrow the terms used by Dominique Hervieu, choreographer and Director of the Théâtre National de Chaillot who instigated this project, is to “suggest that the audience ‘look at the world with the greatest possible number of eyes’ (Nietzsche)”.

Other projects constructed on the same principle of intersecting viewpoints have been implemented by the national establishments of the French Ministry of Culture. These include the partnership between the Musée d'Orsay and Théâtre de l'Europe – Théâtre national de l'Odéon, the Musée du Louvre and the Conservatoire National Supérieur de Musique et de Danse de Paris, the Théâtre national de Chaillot and the Cité de l'Architecture et du Patrimoine, and the Centre Pompidou and IRCAM (Institut de Recherche et Coordination Acoustique/Musique).

Recommendation n°7 to European Union : Education in culture and the arts, notably for young people whom the cultural offer reaches less, should be included in all the programmes and initiatives of the European Union, and particularly the programmes “Culture”, “Media 2007”, “Lifelong Learning”, “Youth”, the European Capital of Culture, the European Heritage Label and so on.

HERITAGE EDUCATION

Heritage education is an essential component in the formation of personality; it enables each individual's history to be integrated into a collective history. It is a factor in the acquisition of the key skills needed by every European citizen.

The recommendations concern the content of the notion of heritage education, its goals and underlying philosophy and are based on a wide approach to heritage education. They also concern the means that must be put in place to attain these goals.

The goals

Recommendation n°1 to the Member States: The first goal of heritage education must be to provide every child and the populations of every Member State with knowledge of their own heritage.

This heritage is not only tangible heritage; it is also intangible heritage. And it is not only heritage shown by major professional institutions (monuments, museums...) but also heritage of local value.

In this sense heritage education helps build a feeling of belonging to a national (whether or not this is associated with a nation state) and European community. Heritage has to be considered not simply in terms of traces of the past, but also as carrying meaning for present and future generations⁶.

Recommendation n°2 to the Member States: Heritage is also what each society decides to pass on to future generations. Thus it also includes architecture, the art of space that affects our daily lives and relates to the future. More broadly, thinking about the urban environment and its spaces makes it possible to introduce young people to questions of **sustainable development** and also creates the conditions for a culture open to both heritage and contemporary design. **Respect for heritage needs an awareness of the rules for protecting it, and to have volunteers work on heritage protection sites, under professional supervision⁷.**

Recommendation n°3 to the Member States: Coinciding with the conclusions of the European year of intercultural dialogue, the idea of national identity is always seen as a dynamic notion, open to external exchanges. **The goal of heritage education is thus also to be open to the heritage of others⁸.**

⁶ All Member States could adopt the philosophy of the programme launched in Greece in 2006 with the title "Cultural heritage as an inspiration for modern artistic creation". In the light of this goal, Italy notes the innovative event held to mark the construction in Rome of the new National Museum of 21st Century Arts known as MAXXI. Its relevant feature was permitting visitors' participation during the work in progress, i.e besides the construction site of the new museum, through temporary exhibitions, performances, workshops and meetings with Italian and foreign artists, architects, town-planners.

⁷The link with the issue of sustainable development is noted in several contributions, associating the protection of monumental heritage with environmental protection (cf the national association "Heritage culture" in Bulgaria) and sustainable development (the Oak of Finland programme involving the Finnish National Board of Education, Finnish Board of Antiquities and Finnish Ministry of Environment. Or the Tree of Life Through Four Seasons in Greece).

⁸ Here, we can in particular refer to the preamble of Poland's Education System Act of 7 September 1991, which seeks to "instil in young people a sense of responsibility, love of fatherland and respect for Polish cultural heritage while promoting openness towards other cultures in Europe and in the world".

As the Bulgarian contribution notes, heritage education is a vector for building intercultural links in multicultural societies. Greece adopted the same approach with the project "Culture as a means of social integration: an intercultural approach: The notion of time (the program focused on a versatile approach to the meaning of time and emphasized its multicultural dimension throughout the ages)". The exploration of our heritage is also an opportunity to explore the multiple influences that have shaped it. The Spanish contribution rightly notes that "The existence of nationalist conceptions does not facilitate interculturality. It even makes it hard to recognize Arab culture as part of our culture". The French contribution presents the example of a project run by the local authorities

Heritage is not so much the fruit of inheritance as a process of adoption⁹ The structuring of individual cultural identity is not so much a matter of understanding a cultural legacy in which a large section of the population can find no place for themselves, as a process of adopting a heritage comprising the successive creations of the people and societies that have gone before us in the geographical area we live in today, though by no means all were our own ancestors. This conception is thought to facilitate intercultural dialogue, as individual cultural identities are built through exchanges with different cultures and successive adoptions that may be scattered through the life of each individual. "Adopting one's heritage thus also means facilitating openness to the heritage of others, not in order to appropriate it or to imprison it in exoticism, but to engage in a dialogue that recognizes that cultures have equal worth. The adoption of the other's heritage in an act of mutual recognition makes it possible to give that heritage a universal dimension, without this implying an uniformization of cultures".

In addition to its role as a vector for intercultural dialogue, the involvement of young people in **promoting heritage should also be understood as a tool for fostering contact with others**. The promotion of heritage and its potential is also a way for promoting tourism¹⁰ Beyond the possible economic consequences of implementing such a programme, the aim is also to make tourism policy into a vector for contacts between peoples.

Recommendation n°4 to the Member States: There is a **fourth goal for heritage education, which is to strengthen the sense among European citizens that they have a shared European identity**.

The European dimension and the transnational nature of our heritage should be promoted in order to transmit a sense of belonging to a shared European cultural space. Our culture and heritage are the fruit of movement back and forth, a transnational transfer and exchange between the artists and intellectual movements that have forged European history, making them the ideal domain for the transmission of a shared identity based on cultural diversity, nurtured by cultural exchanges within Europe and with non-Member States. Seen in this light, heritage education is part of the process of building a European identity, while avoiding confrontation with others and rejection of all that is foreign that are often seen as inherent in the process of building collective cultural identities¹¹.

The recommendations also concern the means for attaining these goals

Recommendations to the Member States

Recommendation n°5: The four main goals of heritage education can only be implemented in the context of a **partnership between the different Culture, Education and Environment authorities involved at the national and local levels**.

Recommendation n°6: The second recommendation is methodological in nature and concerns the need to **introduce the knowledge of heritage into school curricula**.

in Le Lamentin, Guadeloupe, which uses an exploration of the Caribbean musical heritage and its different aesthetics to highlight the many sources, both African and European, that have produced this music.

⁹ The "Adopting our heritage" programme launched by the French ministers of culture and education in 2002 was based on the "Adopt a monument" programme established in Italy and also developed by the Centre for Educational Services.

¹⁰ Particularly emphasized by the Bulgarian contribution, "Tourism in the hands of young people", in the context of the programme "My town/village in a united Europe", which seeks to train high school pupils to act as volunteer guides at tourist sites.

¹¹ Thus, in Finland, school syllabuses (basic education) incorporate the cross-curricular theme "Cultural Identity and Internationalism" (the goal of this theme being to help pupils understand the essence of the Finnish and European cultural identities, discover their own cultural identity, and develop capacities for cross-cultural interaction and internationalism).

In societies with national minorities or facing the issue of integrating populations of immigrant origins, the teaching of the mother tongue and cultural heritage of the different components of society are factors in the struggle against failure at school. Learning about the different elements of heritage also involves setting them in their historical context. Teaching in history and the arts has a contribution to make here.

Recommendation n°7: When heritage education is seen as an underlying element of heritage protection policy, it is crucial that national laws on heritage protection should oblige heritage sites benefitting from public funding to contribute to this education and to set up an education department in order to do so. A comparison of the practices of professionals working in these education departments seems desirable.

Recommendation n°8: Heritage education implies a transdisciplinary approach, involving archaeology, history, geography, literature, philosophy, music and the visual arts.

Heritage classes enabling primary or secondary school pupils to spend a week in a heritage site are one example of a scheme suited to a transdisciplinary approach.

Recommendation n°9 : The introduction of knowledge of heritage into curricula and the promotion of a transdisciplinary approach must be accompanied by its integration into university curricula, the implementation of a teacher training programme¹², and the development of appropriate teaching tools¹³, in which a bilateral or multilateral dimension could be encouraged.

Recommendation n°10: Heritage education cannot be reduced to a theoretical approach relying on teachers alone. It requires cooperation between schools and heritage institutions and between teachers and heritage conservation professionals such as archaeologists, archivists, museum curators and architects.

Recommendation n°11: The involvement of heritage institutions also requires the training of heritage professionals in approaches to heritage education and education in architectural culture.

Recommendation n°12 : Support for local initiatives by independent organizations and clubs during school hours (secondary school clubs) and outside school hours (non-formal education) and the establishment of a network of these organizations (exchanging experiences, training the managers of the organizations) also form one axis of the strategies to be established in developing heritage education.

Recommendation n°13: Bringing heritage to life and building links between heritage and creativity also means encouraging the presence of contemporary artists in heritage sites by funding residencies and hosting contemporary arts events.

¹² Along the lines of the Oak of Finland programme.

¹³ For example the website (www.hereduc.net) and the training manual for teachers produced by the HEREDUC project and launched as part of the Comenius program in 2002, by Community Education Flanders, with the partnership of other European Member States (France, Germany, Netherlands, Italy).

Recommendation to the European Union

Lastly, the promotion of heritage education as a vector for the construction of a European identity requires that mechanisms for cooperation be established at the European level.

Recommendation n°14: It is desirable to insert in the European Union's "Culture" programme and the European Heritage Label (currently in development) support for:

- **mechanisms facilitating contacts between young people of different nationalities at the most iconic heritage sites for Europe as a multinational entity open to exchanges with the rest of the world (for example those who have been awarded the European Heritage Label), along the lines of European heritage classes.**
- teaching tools with a multilateral dimension (books, websites)¹⁴.
- the formation of networks of the different players in heritage education.

¹⁴ As was noted by Sweden, teaching tools must not call into question the principle of teachers' pedagogical freedom. By developing such tools in cooperation by several Member States, the aim is to offer teachers pedagogical contents without imposing anything.

5. The role of cultural institutions and of artists (formal and non-formal education)

All EU-countries give arts and cultural education a place within their regular school curriculum, since they all consider these subjects an essential part of education. Cultural education stimulates creativity and offers pupils ways to express themselves artistically. It widens their views and deepens their knowledge and understanding of the world. In other words, it contributes to their cultural awareness, one of the eight key competences identified in the Lisbon strategy.

Learning about and learning through culture and the arts can take place *within* and *outside* the classroom, during visits to museums, monuments or performances. Furthermore many young people in the Member States participate actively in music, dancing, literature, theatre, visual arts etc outside school hours. Cultural education therefore takes place through both *formal* and *non-formal* learning.

There is general agreement that cultural education benefits very much from a close and sustainable partnership between schools and cultural organizations. A basic and fundamental assumption is that cultural education should be seen as a *joint responsibility* of the educational and the cultural side. Both worlds need each other. Cultural education will not flourish when education sees it as a peripheral phenomenon or as something that can simply be left to the cultural side. But cultural education will also fail when cultural institutes lose sight of the educational mission of the school or ignore the practical possibilities within the school program. Contacts between schools and cultural organizations should therefore not be occasional occurrences. And although projects can be a rich source of innovation and inspiration, for a really successful cooperation more has to be done. A joint responsibility implies mutual commitment and a joint policy, strategy and structure for partnership at all relevant levels.

Since the responsibilities for education and culture are organized in very different ways in Member States, the actual interpretation of this concept of joint responsibility can be and must be very different. But a starting point could be that the responsible authorities sign up to an intention to cooperate. A next step would be for authorities to initiate or support a process leading to agreements for cooperation between education and culture. Research, conferences and the development and sharing of good practices can help to broaden the support for cooperation¹⁵. Cultural education benefits strongly when it is recognized as a joint responsibility for education and culture at all the relevant levels. Therefore it is advisable for the policy on cultural education to be explicitly formulated in documents and for these documents to be supported by the responsible authorities for education and culture.

Recommendation n° 1 to the Member States: to embed cooperation between schools and cultural organizations in a long-term policy strategy and structure in which both sides participate actively and which is monitored and periodically evaluated. By doing so, cooperation will become more sustainable and not remain purely project-based.

Recommendation n°2 to the EU: to support the further exchange of information and knowledge between Member States on the cooperation between the educational and cultural sectors by facilitating EU-wide networks and the realization of a EU-wide glossary and portal on cultural education.

The preconditions for a successful cooperation between the worlds of school and culture depend on:

- *Acquisition of skills:* for a successful synergy between education and culture, both sides have to learn to work together.

¹⁵ For example the Slovenian national programme for Culture 2008 – 2011, the Netherlands Culture and School program and the protocols for cooperation between the French ministries of culture and education signed since 1983.

- *Facilitating networks and partnerships*: these offer the best means to bring together the worlds of education and culture in practice.
- *Taking account formal and non-formal learning*: cultural education takes place during and after school time. And just as a firm place for cultural education in the core curriculum is needed, the potential of cultural education in non-formal learning should be explored.
- *Considering financing*. Cultural activities do cost money: transport, time, materials, tickets and educational staff. Schools and cultural institutions rarely depend on the same source of financing. All kinds of models for financing are possible, but it is clear that a lack of clarity or even a simple lack of finance will frustrate cooperation before it can start.

The results of the recent conference on Cultural Education (CICY, 11-13th March 2009, organized by the Flemish and Dutch authorities) also confirm the need to fulfil these preconditions.

Recommendation n° 3 to the Member States: to promote the cooperation between schools and cultural organizations by making an inventory at the national level, under the joint responsibility of educational and cultural authorities, of the pre-requisites, the possibilities and the obstacles for cooperation and by facilitating networks between schools and cultural organizations.

For good cooperation between parties it is firstly necessary to know each other's starting point and the circumstances that lead each partner to engage in cooperation. Secondly, it is important to agree on the joint objectives. Thirdly, it is indispensable to respect each other's position and interests. Fourthly, cooperation should be based on a positive attitude, aimed at solving problems instead of creating them.

These general points are applicable to cooperation in cultural education. Too often, and despite the good intentions, parties lack knowledge of each other's position. It often happens that a school thinks that the cultural organization can fulfil all its wishes. At the same time, a cultural organization may develop its educational programme without taking into account the demands of the school¹⁶. An untrained artist in the classroom can lead to disappointment on both sides, just as teachers who leave their class alone during museum visits should not be surprised when the class does not take the visit too seriously.

Recommendation n° 4 to the Member States: to improve the training of artists in order to give them the pedagogical and organizational tools to work with and within schools. Schools and cultural organizations can benefit from an exchange of best practice between Member States.

Recommendation n° 5 to the Member States: to encourage schools to increase their experience and expertise in working with artists and cultural organizations. This can be made possible by using teachers who are able to work in an inter- and transdisciplinary way or by appointing cultural coordinators in schools.

Recommendation n° 6 to the EU: to promote cooperation between partnerships of schools and cultural organizations from different countries throughout the EU.

Conclusion

Cooperation between schools and artists or cultural organizations can lead to a great reinforcement of the impact and quality of cultural education. It benefits when responsibility is shared by both parties and when there is a long-term strategy and policy in place. A sustainable and intensive cooperation between education and culture will not only create synergies. More importantly, it will help increase access to culture and the creativity of generations to come.

¹⁶ In various Member States like Denmark - the Art Council's In House Artist Scheme - and the Netherlands - artists in the class - and also in France and Flanders there are programmes for training artists in cultural education.

6. Evaluation and Teachers Training

Introduction

There is much convincing evidence of good practices in all participating Member States. However, some Member States have collected a more comprehensive evidence base and begun to marshal significant arguments in favour of allowing young people to have a wide experience of the arts and culture throughout their formative years. While all education policies across the world, in particular in Europe, give a place to the arts, there is a significant gulf between statements of intent and their implementation. If the issue of the evaluation of education in culture and the arts is now being raised with such intensity, it is to provide arguments that might contribute to the bridging of this gap.

The survey summarised the evidence currently available to Dr. Bamford¹⁷.

Instead of adopting EU wide standards or performance norms, the focus should be on establishing appropriate standards locally. The process should be based on a dialogue with stakeholders and participants, in particular between those in the education sector and those in the cultural sector. A variety of different approaches and methods should be used, including portfolio approaches in which a number of different methods are used to triangulate the evidence.

In addition, the Group considered evidence on teacher training submitted by participating Member States. Aware that Eurydice is conducting a much more extensive study of the same topic, the group agreed to consider the Eurydice recommendations when they emerge and to confine their own recommendations to providing teachers with the capacity to effectively evaluate programmes.

¹⁷ A distinction is made between **assessment** (the set of means and resources used to determine student learning), **appraisal** (where you make judgements on the basis of a range of existing evidence) and **evaluation** (the set of means and resources used to determine more broadly the outcome of a programme, teaching strategies, policy and so on). While the group understands that these words did not necessarily translate individually into other European languages, the differences were understood and could be communicated by giving a broader context or explanation to the word being used.

Recommendations

Recommendation n°1 to the Member States: include evaluation programmes in national policies.

With this in mind the group agreed:

1. That evaluation is the key to developing and sustaining good work and should be undertaken regularly to contribute to informed decision making and improved action in arts education. With this in mind it is proposed:
 - That all projects and programmes should allocate funds from their budgets for evaluation.
 - That the evaluation programme is initiated from the start of the project or programme with proper benchmarking.
 - That more emphasis be given to the evaluation of policies and national programmes as there is a growing body of good evidence on the impact of individual projects¹⁸.
2. That evaluation in its etymological sense means questioning the values embodied in a policy, a programme or concrete action in the field and revealing, where appropriate, the gaps between these values and those expressed in the language that precedes and accompanies the action or policy implemented.
3. That evaluation is an overall judgement of the project as a whole used to determine more broadly the success of a programme, teaching strategies or policies. Evaluation in this sense means a systematic documentation of activities and a critical review of the performed activity/programme and its effects in relation to the explicit objectives.
4. That internal impact evaluation in arts education concerning pupils' achievement should select from among the following to report on:
 - Acquisition of arts skills
 - Capacity for trying new creative and/or cultural experiences
 - Increased confidence and self-esteem
 - Changed or challenged attitudes
 - Development of creativity, cultural awareness, communication
 - Capacity to transfer the skills acquired to areas within and outside of the school context
 - Increased collaboration

¹⁸ Qualitative studies of small groups can certainly enable detailed analysis of the specific effects that can be attributed to different teaching methods. The proliferation of case studies and the similarity of their results moreover constitute an interesting array of indications in relation to the teaching methods and approaches that can give the best results. But we should not confuse this accumulation of case studies with what is revealed by the evaluation of policy.

There are several differences between the two:

- the difference between an action carried out as an innovative experiment whose effects are generally positive and one conducted without any kind of observation. The experimental dimension of studies, in other words the fact of placing a group under observations, cannot fail to produce effects, notably on the behaviour of teachers and contributors. But what happens in groups that do not benefit from such observation?
- the difference between an innovative action over a limited period and long-term, reproducible action, in which a degree of weariness and routine may emerge.
- a difference of scale in space and time. Large-scale empirical research on the subject has never been done. Furthermore, most studies have been conducted over short periods when longer, longitudinal studies are indispensable.

Too often, evaluations of public policy settle for examples of "good practice", supposed to be the pieces of a puzzle which, once completed, will provide a complete image of reality. But in reality no such complete image exists. The reference to good practice may perhaps be part of a defensive strategy whose aim is to mask the limitations of public policy in relation to education in culture and the arts.

- Contribution to the formation of identity.
5. That programmes and policies should include measurements of, and nearly always demonstrate improvements in, **all** of the following to prove whether successful:
- Explore the limits/ (to work out of the box)
 - Partnership working between school and cultural institutions, artists, creative professionals, and cultural industries
 - Flexibility in organisational structures
 - Permeability of personal and organisational boundaries
 - Sharing and collaborative planning
 - Reflective and evaluative practice
 - Accessibility
 - Utilization of local contexts
 - Opportunities for presentation/publication
 - Professional development.

Recommendation n°2 to the European Union: to contribute to supporting teacher and cultural professional *training* in evaluation approaches, to offer them tools for carrying out these evaluations.

That in order to assist the adoption of the approaches outlined above:

- In-service training for teachers and creative professionals working on culture/education programmes should be provided. A short curriculum could be developed at a European level to assist Member States.
- An evaluation toolkit should be developed which provides project, programme and policy makers with the options for effective evaluation.

Recommendation n°3 to the European Union: an observatory (or at least a working space for sharing information between researchers in the field of evaluation) should be established at a European level. This should have the capacity to collect good evaluation from Member States to be made available to others and to commission comparative benchmarking studies and other studies in arts and education to improve the quality of information available to Member States.

ANNEXES

ANNEXE 1 Minutes meeting 22 September 2008

SUMMARY

First meeting of the working group "synergies with education, including arts education", which was set up to implement the Council work plan on culture 2008-2010. Twenty-three Member States present, with representatives from both culture and education ministries.

The EU Presidency opened the meeting with a presentation of the European agenda for culture and the Council work plan 2008-2010. It also explained the main principles of the open method of coordination (OMC) and the context in which this working group was established. The Commission explained that the group should aim to identify and share best practice as well as suggest recommendations for concrete actions at national or European levels. The Commission also said that it would deliver facilities (meeting room and translation, secretariat of the group) and pay travel expenses (two experts per participating country) for three meetings a year.

The WG nominated FR to chair the group. J-M Lauret, the elected Chair, was previously Chair of the ACE-net, a network dedicated to educational and cultural issues which has been active since 2005; many participants were also members of the ACE-net.

During a first exchange on the substance, the experts gave a brief presentation of the views on issues at stake within education, in particular arts education in their countries. Even though members generally shared the same objectives of further integrating arts education as normal part of school curricula, it was apparent that the points of departure and the conditioning circumstances of each country were rather different, although the way in which they would like to approach the work ahead seemed to be rather similar.

The topics mentioned by the experts as potential areas of work for the group included the new forms of cultural expression and artistic practice, the role of media and cultural industries in arts education, cultural institutions, artists and the civil society, education to heritage, training of teachers, artists and other culture professionals and the question of evaluation and certification.

In light of this discussion, the Chair will circulate a proposal in writing, also inviting experts to express their interest in leading work on a thematic area or a specific topic. With regard to its working methods, the group decided that priorities needed to be set and that a limited number of specific topics should be discussed in small groups, who would present the results of their work for discussion during next meeting, scheduled for the end of January/early February 2009. Two more meetings are planned for 2009, probably in March and May, the first to coincide with the International Conference on Creativity, Innovation and Arts Education, organised by the NL and B Education ministries and to be held in Brussels on 12 and 13 March 2009.

ANNEXE 2 Address by Jean Marc Lauret, Chair of the Culture Ministries' group "Synergies with education, especially arts education", Brussels, 22 September 2008

Contextual elements, the mandate of the Culture Ministries' group and themes considered by the delegations.

Reminder of the context of our mission

Implementing the Lisbon strategy, promoting the knowledge-based society, recognizing human capital as the primary factor in wealth, whose potential must be developed.

The development of synergies between culture and education meets this aim to the extent that it seeks to increase individual creativity and enhance skills in intercultural dialogue and the key skill of "sensitivity and cultural expression".

General aims

- The aim is not to work towards a transfer of competences from Member States to EU institutions.
- The Culture Ministries' group seeks to identify convergences through an exchange of best practice.
- It should also propose initiatives to the Commission with the aim of adding value to national policies.

A brief word on the ACEnet network

The network pursues the tasks it has set itself, notably the establishment of the *European Community of Knowledge on Arts and Cultural Education* portal, and the glossary, which will enable us to clearly identify the concepts of education in culture and the arts.

Aims of the group "Synergies with education, especially arts education"

- to introduce a dimension of culture and the arts into all teaching and not only to reinforce the role of arts education within curricula. Non-formal education is also included.
- to include an educational dimension in the artistic and cultural projects of all state-supported arts and culture organizations.

In schools, this means breaking down the barriers between disciplines, placing the training of the critical faculty at the heart of the education system by relating the different fields of knowledge to each other and combining approaches based on sensibility with those based on rationality.

In our cultural institutions, it also means placing the question of the way that creators and heritage preservation professionals relate to the wider population at the heart of the artistic and cultural projects of institutions. Creation is not an isolated act but a social practice. Heritage education is the basis for policies of heritage preservation.

So promoting synergies between education and the arts means affirming a twofold aim whose ambition is as great as the distance separating it from reality.

I should like to provide a broad outline of the context in which we are working within our countries.

- As stressed by the delegations from **Estonia** and **Portugal**, the place of education in culture and the arts remains marginal within the education system and we constantly have to justify its contribution to the education of children and young people.

How can research programmes be established, notably to evaluate the impact of education in culture and the arts on children and young people and to evaluate the impact of policies seeking to create synergies between education and culture on economic development and social cohesion? The **Swedish** delegation emphasized that this question must receive specific attention from our group.

I would add, concurring with the delegations of **Austria** and **Belgium** (Flemish community), that to “evaluation” we should also add “assessment”, leading us to consider research into methods of certifying key skills (cultural expression and sensitivity, intercultural competence).

- Access to cultural practices and resources outside school remains profoundly unequal.

University campuses are still often cultural deserts. Despite speeches asserting the desire to promote lifelong learning, there is a long way to go before the right of every adult to benefit from cultural education is recognized in the same way as the right to continuing professional training.

Where cultural institutions are concerned, state support for the cultural offer has certainly not produced the hoped-for effects of democratization. Without giving way to populism, we have to recognize that for professionals the issue of relations with audiences is still seen as secondary or indeed of marginal importance, compared to that of renewing artistic forms and languages.

In relation to heritage, despite promotional efforts reflected in heritage days, education still has a long way to go. The recognition granted to mediators is far below the prestige associated with the conservation professions.

Our discussions this morning have enabled us to identify some themes for concrete work and exchange of best practice that should permit the development of recommendations that are valid for all states countries.

- Beyond the strengthening of arts teaching, what do we understand by the inclusion of a dimension of arts and culture in all teaching? This question was posed by the **Slovene** delegation and, as the **Austrian** delegation also reminded us, teaching in vocational secondary schools is included here. The promotion of transdisciplinarity will make it possible to turn high schools into centres of cultural life that are open to their surroundings, as recalled by our colleague from **Luxembourg**. This is an important issue, particularly in rural areas where schools are often the only cultural institutions.
- What heritage education policies are implemented or should be implemented in multicultural and, in some countries, multinational societies, in other words in societies where a large element of the population cannot recognize heritage as having been left to them by previous generations? These issues were emphasized by our colleagues from **Malta** and **Greece**.
- What is the best practice to adopt in education in the image and in media? Several delegations mentioned this issue as a priority, notably the delegations from **Finland**, the **Netherlands** and **Austria**.

In schools, images tend to be confined to the role of simple illustrations to theoretical teaching. In the media, the place given to broadcasts dealing with critical readings of images is marginal, not to say inexistent.

The critical apparatus that needs to accompany the development of the web is confined to warnings about paedophiles and xenophobes.

In addition to the semiological dimension of education in images and to ethical considerations of the right to images, education in images should also have a cultural and an aesthetic dimension.

- Schools and non-formal education providers, the cultural institutions and the commercial cultural industries remain three separate worlds.

Education in culture and the arts is fundamentally based on visits to cultural institutions and introduction to artistic practices, while the cultural industries are the main vector for the production and diffusion of culture. What is the role of these cultural industries in policies seeking to promote synergies between education and culture? The importance of this question was stressed by **Finland**, the **Netherlands** and **Slovenia**.

- How can we recognize emerging artistic practices, as we call them in France, and urban cultures in our policies for education in culture, and how can we overcome the division between “cultivated, legitimate culture” and these new forms of expression that are very popular among young people? The **German** delegation posed these questions, which are clearly important if we take the view that education in culture and the arts cannot be reduced to a “top down” process, where pupils are seen only as receivers.
- Our colleagues from **Lithuania**, the **Netherlands**, and **Slovenia** invite us to consider the issue of the training of teachers and educators on the one hand and of artists and culture professionals on the other.

What skills must teachers acquire if the introduction of a dimension of culture and the arts into all teaching is to become more than just a pious hope?

And what do we expect from the artists and culture professionals who are asked to contribute to education in culture and the arts? That they should fill the gaps left in teacher training? That they should bring specific skills as artists or professionals? This would surely imply that a consideration of the methods of transmission, which cannot be reduced to pedagogy alone, should be included in their initial training and continuing professional development.

- Formal and non-formal education

We have long known that we cannot reinforce the role of education in culture and the arts in children’s education by increasing the hours devoted to it in already overloaded timetables.

There are two possible solutions for overcoming this obstacle. One is to modify school rhythms to make them more consistent with the rhythms of children’s lives, their rhythms of learning and their biological rhythms. The other is to take the responsibility for dispensing education in culture and the arts out of school time and make it a matter for non-formal education, at the risk of increasing inequalities of access to culture and the gap between the teaching of so-called core subjects and artistic and cultural practices.

The issue of the balance to be found between formal and non-formal education and the respective roles played by schools and civil society in education in culture and the arts is crucial, as noted by the delegations from the Flemish community of **Belgium**, from **Finland** and **the Czech Republic**.

- Universities. The **Slovene** delegation reminded us of the role of universities. Twenty-five years ago, an academic report describing the state of French campuses was entitled “A cultural desert”.

Beyond the development of professional training in the arts and culture, it is important to introduce a dimension of culture and the arts into all university education and to turn campuses into centres of cultural life.

In this area we can also exchange best practice.

- As the **Slovene** delegation also recalled, we need to explore the educational practices of cultural institutions in the sectors of artistic creation and heritage.
 - The practices of institutions and creative teams that place the relationship to the wider population at the centre of creative processes, and not just a secondary stage following the initial creation.
 - The practices of heritage institutions that fully integrate the issue of mediation and heritage education into their work of preservation, protection and promotion.
- The mandate we have been given should also encourage us to suggest what value could be added by EU institutions in the field of policies that remain national.

How can we extend the work of the EYID and ensure that the issues of otherness and openness to others remain at the heart of policies for education in culture and the arts? The **Bulgarian** and **Hungarian** delegations stressed the importance of this question.

How can we ensure that the work done in the field of education in culture and the arts also provides opportunities for exchanges between young Europeans, as proposed by our colleague from **Malta**, and between young Europeans and the rest of the world?

How can we ensure that the cultural and artistic exchanges that should be encouraged by measures to make artists more mobile - a subject another Culture Ministries group is working on - are extended in the field of education?

How, while respecting national programmes, can we encourage the creation of transnational teaching tools such as the Franco-German history textbook or the transnational training programmes for teachers and culture professionals?

These are some areas where EU institutions could make useful contributions.

I hope that this summary has provided a complete synthesis. We now need to reorganize these questions and to establish priorities and debate our working methods in order to move forward together.

Thank you.

ANNEXE 3 Minutes meeting 2 February 2009

SUMMARY

Second plenary meeting of the Expert Group. Twenty-two Member States present.

The Presidency started at the "Plenary" level by recalling the priority themes to be discussed, the deliverables to be presented and the agreed timetable for their presentation. Subgroups then started work. Plenary met again at the end of the day to listen to the results of the work of subgroups, draw conclusions on this work and recall general information. The subgroups composition was as follows:

- **Subgroup "Content"** - Chair: AT. Participants: BE, BG, FI, FR, DE, EL, IT, MT, PL, PT, ES and NL.
- **Sub-group "Civil society"**- Chair: NL. Participants: BE, DK, EE, FI, FR, IE, LU and SI.
- **Subgroups "Teachers training" and "Evaluation" (merged)** - Chair: UK. Participants: BE, FR, CY, CZ, HU, RO and SE.
- The Expert Group was reminded that its goal was twofold: 1) to learn by discussing the group's issues, aiming at producing a coherent and workable vision on them, and bring back home some good practices from other countries, and 2) try and extract from their work recommendations with a general bearing that could be addressed either to national, transnational or Community level.
- Subgroups have until next Plenary meeting (11 March) to produce an initial set of recommendations for each of their priority issues, for wider circulation/validation among the whole Expert Group.

The next plenary meetings of the Group are planned for 11 March and June 2009. A third plenary meeting of the Group will be organized towards the end of 2009, after the Cultural Forum, due to take place in September 2009.

ANNEXE 4 Minutes meeting 11 March 2009

SUMMARY

Third plenary meeting of the Expert Group. Twenty-two Member States present. The group met in subgroups in the morning and at the plenary level in the afternoon.

Presidency started the plenary by recalling the priority themes to be discussed, the deliverables to be presented and the agreed timetable for their presentation. A special focus was put on the contribution of the group to the Culture Forum, to be held on 29-30 September 2009.

Eurydice presented the Working Document containing the first part of its study on "Arts and Cultural Education at School in Europe". This study contains a "state of play" concerning the legislation on the teaching of arts education in European States schools.

Ilona Kish, representative of the "Access to culture" platform, presented some of the work and recommendations of the platform, underlining the need to associate closely the work of the OMC group and the platforms.

The result of the subgroups discussion was then presented individually by each animator:

- **Subgroup "Content"** - Chair: AT (Barbara Neundlinger)

"Content" is a very broad subject and the group is very large, this is why the group decided to start working on "key elements" for the content of artistic education. The key elements presently being analysed and discussed are interdisciplinary and heritage education. No recommendations have been yet drafted.

- **Subgroup "Civil society"**- Chair: NL (Jan Jaap Knol)

"Lines" of what could be future recommendations were presented. These include the need to share responsibilities at the different levels and involving different stakeholders, as well as the need to promote synergies between culture and education at the European level.

- **Subgroup "Evaluation and Teachers training"** - Chair: UK (Paul Collard)

This group is for the time being the most advanced. Some recommendations were already presented, following the external study on evaluation put together upon request of the Chair.

Subgroups will now dedicate themselves to the analysis of the abundant documentation made available by the members, in order to prepare a report presenting some recommendations at the next meeting.

The next plenary meeting of the Group is planned for 17 June (TBC). A preparatory meeting with the presence of the animators of the different groups is scheduled for 15 May in Brussels.

ANNEXE 5 Minutes meeting 17 June 2009

SUMMARY

Fourth plenary meeting of the Expert Group. Twenty-two Member States present (absent: HU, LT, PT, RO; Pm, SK is not a Member of the WG).

The Presidency started by recalling the purpose of the meeting:

1. Forming a consensus around the draft intermediate report (Annex II);
2. Agree on the deliverables to be presented and the timetable for their presentation;
3. Plan ahead the work of the Group for the period after the September Cultural Forum and until 2010.

Tapio Saavala (DG EAC-Unit B2 School Education, Comenius) presented briefly the latest developments within the Education "part" of the Directorate-General. Martin Prchal described the progress within the Platform "Access to Culture".

A complete overview of the draft intermediate report was made, and a general consensus was reached with only a few modifications. The President summed up the next steps to be followed:

1. Presentation of amendments by the Members of the group:
 - In English
 - With an identification of the paragraph in which they should be introduced
 - At the latest by Monday 22 June
 - To be sent to himself, Jean-Marc Lauret.
2. Circulation of a revised text by the President to the Members of the Group as soon as possible (ideally already by the end of June);
3. On 30 July in Gothenburg, introduction of editorial modifications by the Members of the Group present at the Conference (BE, DE, ES, FR, NL and SE). AT is still to be confirmed.

The Swedish Members of the group took the occasion to briefly present the conference "Promoting a Creative Generation" that will be held in July in Gothenburg, and to which all the Members of the WG are invited (please find enclosed in Annex III the draft programme of the conference).

The President also presented a proposal for future work of the group, that is, after the September Cultural Forum and until the end of the mandate of the Group (Final Report in 2010). The sub-group structure can be kept as it is (although Members will be asked around September if they wish to change their subgroup) and the themes proposed are the following:

- *How to take into account emerging digital practices among young people when defining education and culture policies. More broadly, media education, including audiovisual media.*
- *Partnerships with civil society (which balance between school and non-school learning activities?)*
- *Training: of teaching staff, but also of artists and culture professionals working with education institutions*

The last plenary meeting of the Group of this year will be organized towards the end of 2009, after the Cultural Forum (29 and 30 September 2009).

Digital Environment

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 18 May 2005

on collective cross-border management of copyright and related rights for legitimate online music services**(Text with EEA relevance)**

(2005/737/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) In April 2004 the Commission adopted a Communication on the Management of Copyright and Related Rights in the Internal Market.
- (2) The European Parliament, in its report of 15 January 2004 ⁽¹⁾, stated that right-holders should be able to enjoy copyright and related rights protection wherever such rights are established, independent of national borders or modes of use during the whole term of their validity.
- (3) The European Parliament further emphasised that any action by the Community in respect of the collective cross-border management of copyright and related rights should strengthen the confidence of artists, including writers and musicians, that the pan-European use of their creative works will be financially rewarded ⁽²⁾.
- (4) New technologies have led to the emergence of a new generation of commercial users that make use of musical works and other subject matter online. The provision of legitimate online music services requires management of a series of copyright and related rights.
- (5) One category of those rights is the exclusive right of reproduction which covers all reproductions made in

the process of online distribution of a musical work. Other categories of rights are the right of communication to the public of musical works, the right to equitable remuneration for the communication to the public of other subject matter and the exclusive right of making available a musical work or other subject matter.

- (6) Pursuant to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽³⁾ and Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property ⁽⁴⁾, a licence is required for each of the rights in the online exploitation of musical works. These rights may be managed by collective rights managers that provide certain management services to right-holders as agents or by individual right-holders themselves.
- (7) Licensing of online rights is often restricted by territory, and commercial users negotiate in each Member State with each of the respective collective rights managers for each right that is included in the online exploitation.
- (8) In the era of online exploitation of musical works, however, commercial users need a licensing policy that corresponds to the ubiquity of the online environment and which is multi-territorial. It is therefore appropriate to provide for multi-territorial licensing in order to enhance greater legal certainty to commercial users in relation to their activity and to foster the development of legitimate online services, increasing, in turn, the revenue stream for right-holders.

⁽¹⁾ A5-0478/2003.

⁽²⁾ See recital 29.

⁽³⁾ OJ L 167, 22.6.2001, p. 10.

⁽⁴⁾ OJ L 346, 27.11.1992, p. 61. Directive as amended by Directive 2001/29/EC.

- (9) Freedom to provide collective management services across national borders entails that right-holders are able to freely choose the collective rights manager for the management of the rights necessary to operate legitimate online music services across the Community. That right implies the possibility to entrust or transfer all or a part of the online rights to another collective rights manager irrespective of the Member State of residence or the nationality of either the collective rights manager or the rights-holder.
- (10) Fostering effective structures for cross-border management of rights should also ensure that collective rights managers achieve a higher level of rationalisation and transparency, with regard to compliance with competition rules, especially in the light of the requirements arising out of the digital environment.
- (11) The relationship between right-holders and collective rights managers, whether based on contract or statutory membership rules, should include a minimum protection for right-holders with respect to all categories of rights that are necessary for the provision of legitimate online music services. There should be no difference in treatment of right-holders by rights managers on the basis of the Member State of residence or nationality.
- (12) Royalties collected on behalf of right-holders should be distributed equitably and without discrimination on the grounds of residence, nationality, or category of right-holder. In particular, royalties collected on behalf of right-holders in Member States other than those in which the right-holders are resident or of which they are nationals should be distributed as effectively and efficiently as possible.
- (13) Additional recommendations on accountability, right-holder representation in the decision-making bodies of collective rights managers and dispute resolution should ensure that collective rights managers achieve a higher level of rationalisation and transparency and that right-holders and commercial users can make informed choices. There should be no difference in treatment on the basis of category of membership in the collective rights management society: all right-holders, be they authors, composers, publishers, record producers, performers or others, should be treated equally.
- (14) It is appropriate to continuously assess the development of the online music market,
- (a) 'management of copyright and related rights for the provision of legitimate online music services at Community level' means the provision of the following services: the grant of licences to commercial users, the auditing and monitoring of rights, the enforcement of copyright and related rights, the collection of royalties and the distribution of royalties to right-holders;
- (b) 'musical works' means any musical work or other protected subject matter;
- (c) 'repertoire' means the catalogue of musical works which is administered by a collective rights manager;
- (d) 'multi-territorial licence' means a licence which covers the territory of more than one Member state;
- (e) 'collective rights manager' means any person providing the services set out in point (a) to several right-holders;
- (f) 'online rights' means any of the following rights:
- (i) the exclusive right of reproduction that covers all reproductions provided for under Directive 2001/29/EC in the form of intangible copies, made in the process of online distribution of musical works;
- (ii) the right of communication to the public of a musical work, either in the form of a right to authorise or prohibit pursuant to Directive 2001/29/EC or a right to equitable remuneration in accordance with Directive 92/100/EEC, which includes webcasting, internet radio and simulcasting or near-on-demand services received either on a personal computer or on a mobile telephone;
- (iii) the exclusive right of making available a musical work pursuant to Directive 2001/29/EC, which includes on-demand or other interactive services;
- (g) 'right-holder' means any natural or legal person that holds online rights;
- (h) 'commercial user' means any person involved in the provision of online music services who needs a licence from right-holders in order to provide legitimate online music services;
- (i) 'reciprocal representation agreement' means any bilateral agreement between collective rights managers whereby one collective rights manager grants to the other the right to represent its repertoire in the territory of the other.

HEREBY RECOMMENDS:

Definitions

1. For the purposes of this Recommendation the following definitions are applied:

General

2. Member States are invited to take the steps necessary to facilitate the growth of legitimate online services in the Community by promoting a regulatory environment which is best suited to the management, at Community level, of copyright and related rights for the provision of legitimate online music services.

The relationship between right-holders, collective rights managers and commercial users

3. Right-holders should have the right to entrust the management of any of the online rights necessary to operate legitimate online music services, on a territorial scope of their choice, to a collective rights manager of their choice, irrespective of the Member State of residence or the nationality of either the collective rights manager or the right-holder.
4. Collective rights managers should apply the utmost diligence in representing the interests of right-holders.
5. With respect to the licensing of online rights the relationship between right-holders and collective rights managers, whether based on contract or statutory membership rules, should, at least be governed by the following:
 - (a) right-holders should be able to determine the online rights to be entrusted for collective management;
 - (b) right-holders should be able to determine the territorial scope of the mandate of the collective rights managers;
 - (c) right-holders should, upon reasonable notice of their intention to do so, have the right to withdraw any of the online rights and transfer the multi territorial management of those rights to another collective rights manager, irrespective of the Member State of residence or the nationality of either the collective rights manager or the right-holder;
 - (d) where a right-holder has transferred the management of an online right to another collective rights manager, without prejudice to other forms of cooperation among rights managers, all collective rights managers concerned should ensure that those online rights are withdrawn from any existing reciprocal representation agreement concluded amongst them.

6. Collective rights managers should inform right-holders and commercial users of the repertoire they represent, any existing reciprocal representation agreements, the territorial scope of their mandates for that repertoire and the applicable tariffs.
7. Collective rights managers should give reasonable notice to each other and commercial users of changes in the repertoire they represent.
8. Commercial users should inform collective right managers of the different features of the services for which they want to acquire online rights.
9. Collective rights managers should grant commercial users licences on the basis of objective criteria and without any discrimination among users.

Equitable distribution and deductions

10. Collective rights managers should distribute royalties to all right-holders or category of right-holders they represent in an equitable manner.
11. Contracts and statutory membership rules governing the relationship between collective rights managers and right-holders for the management, at Community level, of musical works for online use should specify whether and to what extent, there will be deductions from the royalties to be distributed for purposes other than for the management services provided.
12. Upon payment of the royalties collective rights managers should specify vis-à-vis all the right-holders they represent, the deductions made for purposes other than for the management services provided.

Non-discrimination and representation

13. The relationship between collective rights managers and right-holders, whether based on contract or statutory membership rules should be based on the following principles:
 - (a) any category of right-holder is treated equally in relation to all elements of the management service provided;
 - (b) the representation of right-holders in the internal decision making process is fair and balanced.

Accountability

14. Collective rights managers should report regularly to all right-holders they represent, whether directly or under reciprocal representation agreements, on any licences granted, applicable tariffs and royalties collected and distributed.

Dispute settlement

15. Member States are invited to provide for effective dispute resolution mechanisms, in particular in relation to tariffs, licensing conditions, entrustment of online rights for management and withdrawal of online rights.

Follow-up

16. Member States and collective rights managers are invited to report, on a yearly basis, to the Commission on the measures they have taken in relation to this Recommendation and on the management, at Community level, of copyright and related rights for the provision of legitimate online music services.

17. The Commission intends to assess, on a continuous basis, the development of the online music sector and in the light of this Recommendation.

18. The Commission will to consider, on the basis of the assessment referred to in point 17, the need for further action at Community level.

Addressees

19. This Recommendation is addressed to the Member States and to all economic operators which are involved in the management of copyright and related rights within the Community.

Done at Brussels, 18 May 2005.

For the Commission
Charlie MCCREEVY
Member of the Commission



EUROPEAN COMMISSION

Brussels, 07.02.2008

MONITORING OF THE 2005 MUSIC ONLINE RECOMMENDATION

The attached document summarises the results of the monitoring of the Commission Recommendation 2005/737/EC of 18 October 2005 on collective cross-border management of copyright and related rights for legitimate online music services.

Subsequent to a 'call for comments' issued on 17 January 2007, the Commission received 89 replies from a wide variety of stakeholders that have a direct or indirect interest in how music is licensed for online services that are accessible across the Community.

Non-confidential contributions are now available on the following page:

http://ec.europa.eu/internal_market/copyright/management/management_en.htm#contributions.

The monitoring reveals that, at this stage, there is a nascent market for EU-wide licensing of music for online services. A variety of licensing initiatives have been launched or announced and, on 26 January 2008, the first EU-wide licence that the Commission is aware of has been granted in respect of mobile uses. Further negotiations on EU-wide licensing arrangements appear to be still in process.

The Recommendation, therefore, seems to have produced an impact on the licensing marketplace and is endorsed by a number of collective rights managers, music publishers and users. The Commission will follow further developments and repeat the monitoring, should a clear need to do so arise.

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1. NATURE OF THE RESPONSES

The 'call for comments' was issued on 17 January 2007 and invited stakeholders to submit contributions until 1 July 2007.¹ This rather long deadline was chosen in order to allow stakeholders sufficient time to respond. In addition, relevant developments that occurred after the close of the deadline are also taken into account.

The 'call for comments' yielded 89 replies. Out of 89 organisations and other stakeholders that submitted responses to the 'call for comments', 79 have authorised the publication of their contribution. Seven stakeholders supplied both a confidential and a non-confidential version of the reply, whereas ten submissions were received only in confidential form. The latter have also been included in the summary document, but their source remains undisclosed and the confidential documents have not been published on the webpage.

The replies may be grouped along four categories of stakeholders: (1) Collecting societies (38 responses); (2) Publishers (18 responses); (3) Users (25 responses), and (4) Member States (8 responses). The following section will analyse these submissions in further detail.

1.1. Collecting societies

The Commission received 38 replies from collecting societies, their umbrella organisations, individual right-holders and their representatives. All these replies are grouped under the category of 'collecting societies', in spite of the fact that not all of these organisations are engaged in the individual or collective management of copyright.

Amongst the respondent collecting societies, 20 represent authors, four represent performers and one represents record producers. Submissions were also received from umbrella organisations, representing all types of right-holders.

21 authors' societies also issued a so-called JP21 statement ('joint position 21'). The JP21 replies are, in this document, analysed as 14 separate submissions, as most of these societies grouped under the JP21 statement have, in parallel, also submitted a separate reply. These separate replies often varied in essential respects and sometimes the societies expressed diverging opinions.

1.2. Publishers

Publishers or their associations submitted 18 replies in total. All kinds of publishers, active in music, magazine, newspaper and book publishing, have submitted responses. Publishers not engaged in the music business were included in this category as their submissions relate to whether or not the music publishing licensing models should be extended to their respective sectors.

A large majority of submissions (14) in this category is related to music publishing. Most of the respondents are national music publishers, some of them are umbrella associations.

¹ http://ec.europa.eu/internal_market/copyright/management/management_en.htm#monitoring

1.3. Users

Users submitted 25 replies and they represent a heterogeneous group. The largest number of replies was provided by broadcasters (six broadcasting organisations and four umbrella organisations). Other users in this group comprise mobile phone operators, video games producers, digital media associations, retailers and libraries.

1.4. Member States

Eight Member States responded to the 'call for comments'. Some of these replies address all issues raised in the call for comments while others consist only of a short opinion on the whole Recommendation, without addressing the specific questions raised in the 'call for comments'.

2. ANALYSIS OF THE RESPONSES

In light of the heterogeneous nature of the responses, it is impossible to group the responses into more detailed categories defending a particular view, by each question asked. In fact, some stakeholders replied to all the issues raised in the 'call for comments', while others limited their responses to general remarks not linked to the specific issues raised in the consultation.

2.1. Nature of the instrument

This section of the 'call for comments' is concerned with the issue of whether legally binding rules on a variety of topics, such as (1) licensing; (2) transparency and governance; (3) assignment of online rights ; and (4) withdrawal of online rights, would appear preferable.

(a) Collecting societies

Collecting societies are not unanimous on these issues. Most state that binding rules are not preferable. Amongst those that differentiate possible areas for legislation, a number of societies are in favour of legislation that covers the issue of licensing but a majority of societies appears to be against legislation in the areas of transparency and governance. Amongst the societies that adhere to the JP21, most are opposed to legislation in general, while a smaller number are nevertheless in favour of legislation on all or at least some of the above-mentioned issues.

Some societies state that a Recommendation appears to be the most appropriate instrument to shape the future of collective management of online rights. They believe that the non-legislative approach would foster the development of legitimate online music services.

(b) Publishers

Music publishers are unanimous in their position that legislation at this stage is not desirable and that a non-legislative approach provides enough guidance. The market should be given the appropriate time to develop EU-wide licensing models.

(c) Users

Users, with some exceptions, are in favour of legislation, preferably with respect to all of the above-mentioned topics. They do not, however, necessarily agree on the subject matter of the legislation; most call for extended collective licences and one-stop-shop where the world-wide repertoire can be licensed. Users complain both about the new EU-wide licences granted by music publishers and the current practices of collecting societies.

(d) Member States

Most Member States appear to be concerned that a non-legislative approach "circumvents the democratic process". In their replies, however, the UK and France clearly state that legislation at this point would not be welcome, since legislation would be unable to keep pace with rapidly changing markets.

2.2. EU-wide licensing

This section was intended to provide the Commission with evidence on actual market developments. The 'call for comments' covers planned and existing EU-wide licensing arrangements, types of online services that may benefit from such initiatives, such as music service providers and online services that may be interested in obtaining an EU-wide licence.

The replies revealed that a series of EU-wide licensing platforms have been announced or formed. The initiatives set-out below cover a large share of the world-wide repertoire and involve collecting societies from France, Germany, Italy, Spain, the UK and Sweden.

On 26 January 2008, the first EU-wide end-user licensing contract was signed. This licensing arrangement covers the EMI repertoire that will be available for download in an EU-wide mobile service. More licensing end-user arrangements are expected in the forthcoming months.

2.2.1. *EU-wide licensing initiatives*

The list below reflects EU-wide licensing initiatives brought to the Commission's attention in the monitoring process. It also contains initiatives announced or implemented after the close of deadline for the replies. The initiatives are listed in the alphabetical order.

2.2.1.1. Alliance Digital

'Alliance Digital' is the UK collecting society MCPS-PRS's new platform that offers EU-wide licences for the repertoire administered by small and medium sized publishers. According to the Alliance, the 'Alliance Digital' will offer a competitive rights-management services that comprise quarterly distributions, low administration charges, access to online databases of the repertoire, licence databases and audit results, distribution in accordance with high standards and full transparency. The Alliance states that any right-holder is welcome to entrust their online rights to the platform. To date, over 800 small and medium publishers have mandated their online rights to 'Alliance Digital'.

The 'Alliance Digital' also represent 'Peermusic's' Anglo-American catalogue for online and mobile licensing across Europe. SGAE of Spain, a strategic partner society of the 'Alliance Digital', will represent 'Peermusic's' Latin-American repertoire.

2.2.1.2. ARMONIA

The French society SACEM, the Spanish society SGAE and the Italian society SIAE, in January 2007, announced the creation of a one-stop-shop licensing platform for the online and mobile uses of their joint repertoires. The societies refer to this joint venture as ARMONIA or the 'Joint Venture Alliance' (JVA). The repertoire to be licensed includes the musical works managed by the three societies. Participating societies will grant the JVA an exclusive mandate to manage their online rights. The project appears to be open to other European collecting societies and right-holders.

2.2.1.3. CELAS

CELAS (Central European Licensing and Administration Services) was created by GEMA and the MCPS-PRS Alliance. It is a legal entity set up to represent EMI Music Publishing's Anglo-American and German repertoire for online and mobile uses in 40 European countries. CELAS now operates as a one-stop-shop in these countries which include the Community and the entire EEA. CELAS aims to expand its coverage beyond the EMI Anglo-American and German repertoire. On 26 January 2008 CELAS signed the first EU-wide licensing end-user arrangement with mobile operator Omnifone.

2.2.1.4. PEDL

Warner/Chappell Music ('WCM'), the publishing arm of Warner Music Group, has signed agreements with three collecting societies that participate in its 'Pan-European Digital Licensing' (PEDL) initiative. The societies are the German society GEMA, the UK society MCPS-PRS Alliance and the Swedish society STIM. All three societies will now be authorised to offer EU-wide digital licences covering Warner/Chappell's Anglo-American repertoire. Under the PEDL initiative, WCM is granting non-exclusive rights in its catalogue to those collecting societies which comply with a set of common standards intended to ensure efficient and transparent management of rights. The PEDL initiative will remain open for other collecting societies to join at a later date.

2.2.1.5. SACEM-UMPG

The French society SACEM and Universal Music Publishing Group (UMPG) signed an agreement covering online and mobile uses. SACEM will administer EU-wide licences covering the repertoire of UMPG and the repertoire of SACEM that is published by UMPG. The platform should be operational by mid 2008. SACEM and UMPG state that they are willing to cooperate with other collecting societies and other music publishers.

2.2.1.6. Other

Stakeholders have also briefly mentioned in their submissions the following initiatives: the Nordic model², ELOS (the Alliance and SGAE), ICE (Alliance and STIM), Santiago plus (GESAC), SMS model (CISAC), GVL, Buma-Stemra and E-Music, Sabam and

² The Baltic and Nordic societies grant cross-border licences for traditional uses of works in the Nordic/Baltic region. These societies have also been exploring the possibility of extended cooperation for online licensing (the Nordic model), covering online and mobile multi-territorial downloads within eight countries (Sweden, Norway, Denmark, Finland, Iceland, Lithuania, Latvia and Estonia). Users can freely choose which society they wish to get the licence from. The tariffs applied are the tariffs of the country of destination. This system has been in use since 2001 and has constantly developed.

Buma-Stemra, although some of these initiatives are controversial among collecting societies. Further details on these initiatives may be found in stakeholders' submissions.

2.2.2. EU-wide licences granted

On 26 January 2008 CELAS signed the first EU-wide licensing arrangement with mobile operator Omnipone covering the 'MusicStation' download service operated by the latter. MusicStation will now be able to provide access to EMI music repertoire for digital exploitation in Europe.

MusicStation is the all-you-can-eat (AYCE) mobile music service allowing mobile phone users to gain unlimited access to full music tracks on industry-standard mobiles for a small weekly fee or bundled into price plans for no extra cost.

The deal provides Omnipone with access to the EMI Music Publishing English language repertoire. The arrangements cover MusicStation's services currently available in Sweden and the UK, but in line with the planned roll-out of the MusicStation service throughout Europe other territories will follow soon.

2.2.3. Obstacles

Stakeholders have reported various obstacles in setting-up EU-wide licensing arrangements:

- Litigation: Collecting societies are heavily engaged in litigation against each-other, thus impeding progress on the above-mentioned initiatives. Collecting societies are not unanimous about the preferred licensing model and, in some instances, question other societies' mandate to license their repertoire on an EU-wide basis.
- Withholding tax: Each Member State applies a withholding tax, which appears to inhibit the free cross-border and multi-territorial trade of online music rights in the Internal Market. This issue seems to arise in all licensing arrangements involving parties based in more than two territories.
- Identification of works: Some collecting societies have pointed that identification of works to be licensed is one of the main obstacles.

2.3. Scope of the Recommendation

This section of the 'call for comments' enquired whether the Recommendation correctly sets out the online rights of the various right-holders involved in the licensing process. The section also enquired whether 'online' rights should be further segmented according to the commercial form of exploitation. Moreover, one question asked whether it should be mandatory to include 'niche repertoire' in EU-wide licences.

The responses to all of the questions in this section diverge. With respect to the first question, collecting societies argue that the rights are not correctly set out and should be redefined. However, some societies do not share this view and state that the rights are correctly defined. Music publishers, on the other hand, do not see the need to further segment the 'online' rights as this commercial segmentation is already achieved in the ICMP/CIEM and GESAC Common Declaration (see next section). Overall, users also called for clearer definitions of 'online' rights.

No consensus was reached in relation to the mandatory inclusion of the niche repertoire. Most stakeholders engaged in a discussion of how the concept of 'niche repertoire' itself should be defined. Nevertheless, the majority of stakeholders were of the opinion that it would not be appropriate to force EU-wide licensors, or licensors in general, to include any form of repertoire in their licence arrangements.

2.4. Governance and transparency

The questions pertaining to 'governance and transparency' enquired whether the Recommendation provided right-holders and users with sufficient safeguards or whether the rules should be strengthened. Stakeholders mostly replied to these questions in general terms.

Collecting societies almost unanimously stated that there are no problems whatsoever with transparency and governance. They argue that rules in this respect need not be strengthened. Music publishers were of a somewhat different opinion. Even though they acknowledge several problems in this area, they prefer to improve transparency and governance by way of cooperative agreements with collecting societies.

For example, ICMP/CIEM and GESAC have agreed on harmonised minimum standards in a 'Common Declaration'. This Declaration is seen as a first step towards implementing the Recommendation. The Declaration focuses on online licensing and defines two new segments (interactive and non-interactive) of online exploitations. In addition, collecting societies may define further 'sub-categories' within the standard categories, if this is required for efficient licensing or by national law.

The Declaration also focuses on governance, confirming that music publishers are eligible to become members of collective rights management organisations as right-holders. It provides a minimum standard for the fair and balanced representation of music publishers in the decision-making process of collecting societies. The Declaration also provides that collective rights management organisations must hold a general meeting of members at least once a year.

Finally, the Declaration restates the Recommendation's requirements pertaining to reporting and transparency towards right-holders.

Although the Common Declaration is deemed to be a step in the right direction, GESAC and ICMP/CIEM state that many collecting societies are still not in compliance with the principles of the Declaration (see relevant submissions).

Users do not voice strong feelings about transparency and governance per se. However, they embrace the call for strengthened rules on dispute resolution. Other stakeholders, including Member States, are of the opinion that existing dispute settlement procedures are sufficient.

3. THE WAY FORWARD

The Recommendation seems to have produced an impact on the licensing marketplace and is endorsed by a number of collective rights managers, music publishers and users. The Commission will follow further developments and repeat the monitoring, should a clear need to do so arise.

THE ECONOMY OF CULTURE IN EUROPE



Study prepared for the European Commission
(Directorate-General for Education and Culture)

October 2006



With the support of:



Executive Summary

Context

In March 2000, the EU Heads of State and Government meeting at the European Council in Lisbon agreed on an ambitious goal: making the EU by 2010 "*the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion*".

Lisbon is pushing to boost R&D spending by governments, universities and corporations. The belief is that growth and employment will be achieved by investing in ICT industries – the flagship industries of the digital economy –, and boosting innovation, in particular in the “knowledge economy”.

The role of the cultural and creative sector within this context is still largely ignored. Indeed, the move to measure the socio-economic performance of the sector is a relatively recent trend. Moreover, the exercise is a contentious one. For many, the arts are a matter of enlightenment or entertainment. That leads to the perception that the arts and culture are marginal in terms of economic contribution and should therefore be confined to the realms of public intervention. This may explain to a large extent **the lack of statistical tools** available to measure the contribution of the cultural sector to the economy whether at national or international level, in particular compared to other industry sectors.

The present study aims to remedy this situation. It is a first attempt to capture the direct and indirect socio-economic impact of the cultural sector in Europe, thereby assessing its contribution to the Lisbon agenda, and in particular in terms of realising growth, competitiveness, more and better jobs, sustainable development, and innovation.

It shows how culture drives economic and social development, as well as innovation and cohesion. The cultural and creative sector is a growing sector, developing at a higher pace than the rest of the economy. The same applies to employment. Indeed this sector provides many different and often highly skilled possibilities, and again the sector's growth in terms of jobs **out-performs the rest of the economy**. It also drives many other sectors of the European economy, and in particular innovation and ICT sectors.

The study also illustrates how **culture promotes European integration** and is a key tool to integrate the components of European societies in all their diversity, to forge a sense of belonging as well as to spread democratic and social values. Culture can contribute to “seduce” European citizens to the idea of European integration.

The Cultural & Creative Sector

The first step in assessing the economy of culture in Europe is **the need to define corresponding sectors and activities**.

This is no easy task given the divergence of national and international approaches to date.

Because of the study's objectives, its scope goes beyond the traditional cultural industries such as cinema, music and publishing. It also includes the media (press, radio and television), the creative sectors (such as fashion, interior and product design), cultural tourism, as well as the traditional arts fields (performing arts, visual arts, and heritage). The study also touches upon the impact of the cultural sector on the development of related industries, such as cultural tourism and, perhaps more importantly, ICT industries, and explores the links between culture, creativity and innovation in this respect.

Therefore the scope of the assessment includes:

- The "cultural sector"
 - **Non-industrial sectors** producing non-reproducible goods and services aimed at being "consumed" on the spot (a concert, an art fair, an exhibition). These are the arts field (visual arts including paintings, sculpture, craft, photography; the arts and antique markets; performing arts including opera, orchestra, theatre, dance, circus; and heritage including museums, heritage sites, archaeological sites, libraries and archives).
 - **Industrial sectors** producing cultural products aimed at mass reproduction, mass-dissemination and exports (for example, a book, a film, a sound recording). These are "cultural industries" including film and video, video-games, broadcasting, music, book and press publishing.
- The "creative sector"

In the "creative sector", **culture becomes a "creative" input in the production of non-cultural goods**. It includes *activities* such as design (fashion design, interior design, and product design), architecture, and advertising. Creativity is understood in the study as the use of cultural resources as an intermediate consumption in the production process of non-cultural sectors, and thereby as a source of innovation.

Consequently the study's scope of investigation is the "cultural & creative sector". This approach enables us to measure more accurately the economic and social, direct and indirect impact of culture and creativity. This is mapped out in the following table:

Delineation of the cultural & creative sector

CIRCLES	SECTORS	SUB- SECTORS	CHARACTERISTICS
CORE ARTS FIELD	Visual arts	Crafts Paintings – Sculpture – Photography	<ul style="list-style-type: none"> • Non industrial activities. • Output are prototypes and “potentially copyrighted works” (i.e. these works have a high density of creation that would be eligible to copyright but they are however not systematically copyrighted, as it is the case for most craft works, some performing arts productions and visual arts, etc).
	Performing arts	Theatre - Dance – Circus - Festivals.	
	Heritage	Museums – Libraries - Archaeological sites - Archives.	
CIRCLE 1: CULTURAL INDUSTRIES	Film and Video		<ul style="list-style-type: none"> • Industrial activities aimed at massive reproduction. • Outputs are based on copyright.
	Television and radio		
	Video games		
	Music	Recorded music market – Live music performances – revenues of collecting societies in the music sector	
	Books and press	Book publishing - Magazine and press publishing	
CIRCLE 2: CREATIVE INDUSTRIES AND ACTIVITIES	Design	Fashion design, graphic design, interior design, product design	<ul style="list-style-type: none"> • Activities are not necessarily industrial, and may be prototypes. • Although outputs are based on copyright, they may include other intellectual property inputs (trademark for instance). • The use of creativity (creative skills and creative people originating in the arts field and in the field of cultural industries) is essential to the performances of these non cultural sectors.
	Architecture		
	Advertising		
CIRCLE 3: RELATED INDUSTRIES	PC manufacturers, MP3 player manufacturers, mobile industry, etc...		<ul style="list-style-type: none"> • This category is loose and impossible to circumscribe on the basis of clear criteria. It involves many other economic sectors that are dependent on the previous “circles”, such as the ICT sector.

: “the cultural sector”
 : “the creative sector”

Development of specific methodological tools

In relation to direct impact, existing **statistical tools are not appropriate and available statistics are scarce**.

Statistical tools do not enable the cultural & creative sector to be captured properly. At European and national level, statistical categorisations are often too broad. Data are rarely comparable. A considerable amount of cultural activity takes place in establishments whose primary classification is non cultural and therefore not recorded within existing classifications. Self-employed cannot be identified. Electronic commerce, which represents a growing share of the economy of culture, is not taken into account. And it is not possible to properly assess the public economy of culture at pan-European level.

Consequently, the study has required the development of specific definitions, statistical tools, and data collection processes.

In relation to industrial data, in the absence of standardised data categorisations and in order to take into consideration considerable gaps in existing databases, a specific methodology was developed:

- It uses to the extent possible existing statistical categorisations (four-digit NACE) that embrace the sector, and collects the Eurostat data corresponding to these categorisations.
- To complete data gaps due to the absence of harmonised data gathering related to the sector in Europe, the Amadeus database was used. It is the most comprehensive pan-European database containing financial information on approximately 8 million public and private companies from 38 European countries, developed by the Bureau van Dijk Electronic Publishing.

Similar problems were faced in relation to employment data. The study uses the only methodology able to picture employment in the cultural sector to date – a methodology developed by Eurostat Task Force on cultural employment. It is based on a more restricted delimitation of the economy of culture than the delimitation used for the purpose of extracting industrial data.

To address identified loopholes in data collection, the study provides sectors' profiles and case studies to cover specific aspects of the economy of culture, not rendered by current official data collection (notably on the value of collective rights management, and the value of e-commerce).

For these problems to be remedied in the future, more work needs to be done at national and European level to adopt appropriate standards and definitions as well as to prioritise the collection of statistically sound data right across the cultural & creative sector.

Socio-economic results: Quantifiable contribution to the Lisbon targets

"Not everything that counts can be measured, and not everything that can be measured counts",
Albert Einstein.

The main direct quantifiable socio-economic impacts of the cultural & creative sector are presented below. Despite shortcomings in data availability leading to a blatant under-estimation of the real weight of the sector, the figures show that the cultural & creative sector plays an important economic and social role in Europe: **the sector is performing well, increasing its trend share of economic activity.**

Quantifiable socio-economic impact of the cultural & creative sector (EU30)

TURNOVER



The sector turned over more than € 654 billion in 2003.

The turnover of the car manufacturing industry (1) was € 271 billion in 2001 and the turnover generated by ICT manufacturers was € 541 billion in 2003 (EU-15 figures) (2).

VALUE ADDED TO EU GDP



The sector contributed to 2.6% of EU GDP in 2003.

The same year:

- Real estate activities accounted for 2.1% of contribution to EU GDP
- The food, beverage and tobacco manufacturing sector accounted for 1.9% of contribution to EU GDP
- The textile industry accounted for 0.5% of contribution to EU GDP
- The chemicals, rubber and plastic products industry accounted for 2.3% of contribution to EU GDP (3)

CONTRIBUTION TO EU GROWTH



The overall growth of the sector's value added was 19.7 % in 1999-2003.

The sector's growth in 1999-2003 was 12.3% higher than the growth of the general economy.

EMPLOYMENT



In 2004 5.8 million people worked in the sector, equivalent to **3.1% of total employed population** in EU25.

Whereas total employment in the EU decreased in 2002-2004, employment in the sector increased (+1.85%)

- 46.8% of workers have at least a university degree (against 25.7% in total employment)
- The share of independents is more than twice as in total employment (28.8% against 14.1%)
- The sector records 17% of temporary workers (13.3% in total employment)
- The share of part-time workers is higher (one worker out of four, against 17.6% in total employment).

(1) "The European Motor Vehicle Industry, Key Figures 2005", a report from the ACEA (Association des Constructeurs Européens d'Automobiles – European Automobile Manufacturers Association), Brussels, March 2006.

(2) "Restoring European economic and social progress: unleashing the potential of ICT", a report for the Brussels Round Table (BRT) by Indepen, Brussels, January 2006.

(3) Eurostat Structural Business Statistics

Indirect socio-economic impact: The non-quantifiable contribution to Lisbon

The contribution of the cultural & creative sector to the European economy is not limited to its direct and quantifiable impact.

The sector also generates important economic performance in other non-cultural sectors, thereby indirectly contributing to economic activity and development, and in particular in the ICT sector as well as in relation to local development.

• The interdependence between the cultural & creative sector and ICT

Broadband penetration has grown exponentially over the last years and broadband uptake is continuing. The diffusion of wireless Internet connections and the mass adoption of 3G mobile phones have turned into a reality the promise of being connected “anywhere, anytime”. The switch-over from analogue to digital broadcasting has already happened (for radio) or is foreseen for the years to come (for TV).

The EU totalled 52,624,403 broadband fixed access lines in October 2005 (from 10,298,139 in October 2002). Broadband penetration rates stand at an average 11% in the EU (from 10% in Greece to 23% in Denmark and 24% in Finland). By way of comparison, average broadband penetration at the end of 2005 was 15% in the US and 16% in Japan. The ICT industry will supposedly drive 25 % of the overall European growth in the years to come.

The growth of creative content and the expansion of the ICT sector are the two sides of a same coin.

Technology and in particular the growing diffusion and importance of the Internet is the major driver for growth in the creative media and Internet industry (provided the issue of piracy is properly addressed). The impact on media consumption has been huge in recent years and it will be the major factor for the sector in the future. At the same time creative content is a key driver for ICT uptake. The consultancy firm PriceWaterhouseCoopers estimates that spending on ICT-related content will account for 12% of total increase in global entertainment and media spending until 2009.

Indeed, the development of new technology depends to a large extent on the attractiveness of content:

- Sales of DVDs, recordable devices, MP3 devices, home cinema systems, set-top boxes and flat screen TVs are dependent on the availability of attractive content (games, films, music).
- The development of mobile telephony and networks is based on the availability of attractive value-added services that will incorporate creative content.

Music has experienced a true business revolution which has not been painless for the industry. Video games are heavily dependent on transformations in technology. Film and video as well as the publishing industry are currently undergoing similar radical business changes. Even traditional arts sectors such as heritage, visual arts and performing arts cannot escape significant adaptations to the new technological environment.

• Creative hubs and the contribution of culture and creativity to local development

Firstly, the characteristics of cultural and creative goods are that they cater essentially for a local audience, its languages and cultures. This makes it difficult for the production of cultural goods and services to shift to other continents. Therefore **off-shoring is less developed than in other sectors** of the economy (even at manufacturing level). Job losses in the cultural & creative sector tend to be the result of restructuring, for example due to new forms of distribution and the emergence of new business models. Because of this characteristic (non-delocalisation), and given that Europe is a major producer of intellectual property assets in the world, it would be well advised to try and make the most out of this potential to boost its economy.

Secondly, there is a competitive race to attract talent and creators (*“the creative class”*) to localised environments supporting the clustering of creativity and innovation skills. Europe risks experiencing a talent drain in sectors such as video games and cinema attracted abroad by better conditions, essentially financial.

Moreover, culture and innovation play a crucial role in helping regions attract investment, creative talents and tourism. Paradoxically, whereas we are living at a time where information technologies have abolished distance and time constraints, “physical location” and the “socialisation” factor remain decisive for economic success. The “location market” is a reality. Cities and regions are competing to attract foreign direct investment and creative talents. In order to succeed they need to attach several new strings to their bows: diversified cultural offerings, quality of life and life style. Culture has become an important soft location factor and a key factor for boosting local and regional attractiveness.

Thirdly, **culture is a main driving force for tourism**, one of Europe’s most successful industries representing 5.5% of the EU GDP and where Europe holds a 55% of the global market share. Europe is the most-visited destination in the world. In 2005, the continent recorded 443.9 million international arrivals.¹

¹ United Nations World Tourism Organization (UNWTO)

Contributing to Lisbon's social objectives

Another more pervasive effect of culture on local socio-economic context is that **it serves as a tool of social integration and territorial cohesion.**

In many European territories today a growing polarisation is seen between “resource-strong” and “resource weak” communities, groups and individuals such as ethnic minorities, immigrants, youth in difficulty, or long-term unemployed, as well as difficult territories such as mega-poles’ suburbs, industrial areas in decay, isolated and declining agricultural areas, etc.

Strategies for “empowerment” aim at giving marginalised citizens and deprived neighbourhoods possibilities to develop those resources. Culture is a useful tool in this regard.

Relevant cultural activities in this context include:

- Fostering grass-roots initiatives aimed at achieving social and socio-economic empowerment (social cultural projects, cultural associations, amateur theatre or dance companies, volunteers launching a festival),
- Top-down projects initiated from administrations and institutions (for example local policies aimed at recycling brownfield sites to socio-economically improve an abandoned area).

Although these strategies do not have as a main purpose economic performance, they are beneficial to the economic environment as they:

- Participate in reinforcing social integration and in building an « inclusive Europe ».
- Contribute to fostering territorial cohesion.
- Participate in providing skills that are transferable in other fields of activity and contribute to strengthening the “employability” of their beneficiaries. They contribute to reinforcing self-confidence of individuals and communities.
- Participate to the expression of cultural diversity.

Culture and creativity used with a social purpose contribute to sustainable development and societies.

Recommendations: Strategy for a creative Europe to achieve Lisbon

The “Lisbon potential” of the cultural & creative sector is very important and a specific strategy is required to unleash this potential.

In recent years national strategies have shown considerable interest in integrating cultural and economic policies more closely. However efforts of coordination remain scarce and the sector is still marginalised from a policy point of view, in particular at European level.

The proposal is to create in Europe a market that stimulates and encourages creativity. The report presents a strategy with concrete steps to establish a creative Europe which realises the culture & creative sector’s Lisbon potential and boosts Europe’s performance in economic and social terms.

The main recommendations to realise the creative Lisbon potential are the following:

1. Intelligence gathering

- Establish a **strong quantitative evidence base for policy makers**
A strategic approach to the sector needs to be informed by the development of appropriate statistical tools and indicators at both national and European level. In analogy with tools developed to measure the degree of innovation, an index to measure and monitor “creativity” should be developed (“the EU creativity scoreboard”).

2. The Lisbon agenda

The creative & cultural sector needs to be integrated into the Lisbon agenda. The Lisbon agenda should include as part of its objectives:

- Increasing and improving investment in creativity.
- Improving creation, production, distribution, promotion of, and access to, cultural activities and content.

Priority actions should be:

- **Use and make the most of existing EU support programmes.**
The 7th Framework Programme, EU structural funds and support to SMEs should be used to foster creativity and engage with the creative sector and its SMEs. The EU budget should focus as much on creation as on innovation. It should support as a matter of priority the digital shift – to make the most of opportunities fuelled by technological innovation.
- **Reinforce the Internal Market for creative people, products and services.**
Encourage artists’ mobility, overcome fiscal and social barriers, adapt accounting standards to promote the valuation of intangible assets.
This includes support to the testing and development of business models adapted to the constraints of the European market (with its localised markets due to languages and cultures) as well as the support to the digital shift, notably in distribution.

- **Promote creativity and business education** from school through to professional levels.
- Promote **links between creators and technology** by clustering the various competences in creativity platforms. The i2010 initiative, structural funds and the 7th FP are insufficiently engaging with the cultural and creative sector.
- **Maximise the use of financial instruments** of the EIB and the EIF, in line with the EIB i2010 Initiative. It is proposed to establish a creative industries bank specialised in financing (or in supporting the financing of) projects based on investment in intangible assets.
- **Integrate the cultural dimension in cooperation and trade agreements** between the EU and third countries with a view to develop exchanges, promote cultural diversity and implement the UNESCO convention.

3. Structural reform

- **Reinforce coordination of activities and policies impacting on the cultural & creative sector within the European Commission.**
- Promote better interaction between European institutions and the cultural & creative sector to ensure proper representation and consultation with such an important sector of the European economy. The focus should be on the maximisation of the sector's economic and social contribution to the European project.
- **Ensure a comprehensive and coherent implementation of article 151.4. of the EC Treaty to take into account the specificities of the sector when implementing notably internal market, competition and trade policies.**

A strategy for a creative Europe
Main recommendations to realise the creative Lisbon potential

**INTELLIGENCE
GATHERING**



- Establish a strong quantitative evidence base for policy makers.

THE LISBON AGENDA



- Use and make the most of existing EU support programmes (7thFP- structural funds - support to SMEs).
- Reinforce the Internal Market for creative people, products and services.
- Promote creativity and business education from school through to professional levels.
- Promote links between creators and technology by clustering the various competences in creativity platforms.
- Maximise the use of financial instruments of the EIB, and the EIF, in line with the EIB i2010 Initiative.
- Integrate the cultural dimension in cooperation and trade agreements between the EU and third countries with a view to develop exchanges and promote cultural diversity.

STRUCTURAL REFORM



- Reinforce coordination of activities and policies impacting on the cultural & creative sector within the European Commission.



COMMISSION OF THE EUROPEAN COMMUNITIES

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GREEN PAPER

Copyright in the Knowledge Economy

GREEN PAPER

Copyright in the Knowledge Economy

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1. INTRODUCTION

1.1. The purpose of the Green Paper

The purpose of the Green Paper is to foster a debate on how knowledge for research, science and education can best be disseminated in the online environment. The Green Paper aims to set out a number of issues connected with the role of copyright in the "knowledge economy"¹ and intends to launch a consultation on these issues.

The Green Paper is essentially in two parts. The first part deals with general issues regarding exceptions to exclusive rights introduced in the main piece of European copyright legislation - Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society ("the Directive")². The other piece of copyright legislation that is relevant for the knowledge economy, Directive 96/9/EC on the legal protection of databases³, has been analysed in a separate report⁴. Nevertheless, some aspects of this directive, such as exceptions and limitations, will be addressed in this report as well.

The second part deals with specific issues related to the exceptions and limitations which are most relevant for the dissemination of knowledge and whether these exceptions should evolve in the era of digital dissemination.

The Green Paper will address all issues in a balanced manner taking into account the perspective of publishers, libraries, educational establishments, museums, archives, researchers, people with a disability and the public at large.

1.2. The scope of the Green Paper

In its review of the Single Market⁵ the Commission highlighted the need to promote free movement of knowledge and innovation as the "Fifth Freedom" in the single market. The Green Paper will focus on how research, science and educational materials are disseminated to the public and whether knowledge is freely circulating in the internal market. But the Green Paper is not limited to scientific and educational material. Material not falling within these

¹ The term "knowledge economy" is commonly used to describe economic activity that relies not on "natural" resources (like land or minerals) but on intellectual resources such as know-how and expertise. A key concept of the knowledge economy is that knowledge and education (also referred to as "human capital") can be treated as a commercial asset or as educational and intellectual products and services that can be exported for a high value return. It is obvious that the knowledge economy is rather more important for those regions whose natural resources are scarce.

² Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, OJ L 167, 22.6.2001, p. 10-19. In 2007 the Commission published a report assessing how Articles 5, 6 and 8 of the Directive have been transposed by the Member States and applied by the national courts, see the Report on the application of the Directive on the harmonisation of certain aspects of copyright and related rights in the information society (2001/29/EC), available at http://ec.europa.eu/internal_market/copyright/copyright-info/copyright-info_en.htm

³ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, OJ L 77, 27.3.1996, p. 20-28.

⁴ http://ec.europa.eu/internal_market/copyright/prot-databases/prot-databases_en.htm

⁵ COM 2007 724 final of 20.11.2007 - A single market for 21st century Europe

parameters but which has value in enhancing knowledge is also within the scope of this Green Paper.

The "public" addressed in this Green Paper comprises scientists, researchers, students and also disabled people or the general public who want to advance their knowledge and educational levels by using the Internet. Wider dissemination of knowledge contributes to more inclusive and cohesive societies, fostering equality of opportunities in line with the priorities of the forthcoming renewed Social Agenda.

A high level of copyright protection is crucial for intellectual creation. Copyright ensures the maintenance and development of creativity in the interests of authors, producers, consumers and the public at large. A rigorous and effective system for the protection of copyright and related rights is necessary to provide authors and producers with a reward for their creative efforts and to encourage producers and publishers to invest in creative works (see recitals 10 and 11 of the Directive). The publishing sector makes an important contribution to European economy⁶. Copyright is also a policy in line with the imperative to foster progress and innovation. The Commission solicits the views of researchers on new ways of delivering digital content. These new modes of delivery should allow consumers and researchers to access protected content in full respect of copyright.

Existing copyright laws have traditionally attempted to strike a balance between ensuring a reward for past creation and investment and the future dissemination of knowledge products by introducing a list of exceptions and limitations to allow for certain, specific activities that pertain to scientific research, the activities of libraries and to disabled people. In this respect, the Directive has introduced an exhaustive list of exceptions and limitations. These exceptions are not mandatory for Member States however, and even if exceptions are adopted at the national level, Member States have often formulated exceptions narrower than those permitted in the Directive.

2. GENERAL ISSUES

The Directive has harmonised the right of reproduction, the right of communication to the public, the right of making available to the public and the distribution right. The basic principle underlying the harmonisation effort was to provide the rightholders with a high level of protection; hence the scope of exclusive rights was very broadly defined. Some stakeholders question whether the introduction of exclusive rights translates into a fair share of income for all the categories of rights holders. Authors (such as composers, film directors, and journalists) and, in particular, performers argue that they have not earned any significant revenue from the exercise of the new "making available" right in relation to the online exploitation of their works.

Apart from adapting the exclusive rights to the online environment, the Directive introduced an exhaustive list of exceptions to copyright protection, although there was no international obligation to do so. The primary reason for having such a list of exceptions appears to be to limit Member States' ability to introduce new exceptions or extend the scope of the existing

⁶ According to a survey conducted by the Federation of European Publishers, annual sales revenue of book publishing amounted to 22.268 million euro in 2004. More than 620.000 new books or new editions were published in 2004 and approximately 123,000 people are employed full time in book publishing. See <http://www.fep-fee.be/>

ones beyond what is allowed under the Directive. Gradually, in the legislative process, Member States introduced the current list of one mandatory exception and 20 optional exceptions.

The conditions of application of the exceptions are drafted in rather general language. Arguably, the approach chosen by the drafters has left Member States a great deal of flexibility in implementing the exceptions contained in the Directive. Apart from the exception on transient copying, national legislation can be more restrictive than the Directive as to the scope of exceptions. The list of exceptions as contained in the Directive has achieved a certain degree of harmonisation: creating an exhaustive list of exceptions does not allow Member States to maintain or introduce exceptions which are not listed.

In addition, Article 5(5) of the Directive provides that the exceptions and limitations permitted by the Directive are to be applied in certain special cases, which do not conflict with the normal exploitation of the work or other subject matter and do not unreasonably prejudice the legitimate interests of the right holder. This provision is known as the "three-step test".

The formulation of Article 5(5) reflects the Community's international obligations in the area of copyright and related rights. The three-step test is set out in similar terms in Article 9(2) of the Berne Convention⁷ and, most importantly, Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights ("the TRIPS Agreement")⁸, to which Community is a party⁹. The three-step test is therefore part of the international copyright framework which the Community and its Member States are bound to respect. It has become a benchmark for all copyright limitations¹⁰.

Questions:

- (1) Should there be encouragement or guidelines for contractual arrangements between right holders and users for the implementation of copyright exceptions**
- (2) Should there be encouragement, guidelines or model licenses for contractual arrangements between right holders and users on other aspects not covered by copyright exceptions?**

⁷ Although the Community is not a party to the Berne Convention (and indeed could not be, since membership of the Berne Union is confined to States), it is required to comply with the Convention by virtue of Article 9 of the TRIPS Agreement.

⁸ That Agreement is found in Annex 1C to the Agreement establishing the World Trade Organisation.

⁹ Article 13 of the TRIPS Agreement, entitled "Limitations and Exceptions", is the general exception clause applicable to exclusive rights of the holders of copyright. Article 13 of the TRIPS Agreement has been interpreted by a ruling of the Dispute Settlement Body of the WTO concerning Section 110(5) of the US Copyright Act. The Panel held that the scope of any permissible exception under Article 13 should be narrow and should be limited to de minimis use. The three conditions, namely (1) certain special cases; (2) no conflict with the normal exploitation of the work; and (3) no unreasonable prejudice of the legitimate interests of the right holder are cumulative.

¹⁰ See the ruling of the Dispute Settlement Body of the WTO *United States – Section 110(5) of the US Copyright Act*, WT/DS160/R, of 15 June 2000.

- (3) Is an approach based on a list of non-mandatory exceptions adequate in the light of evolving Internet technologies and the prevalent economic and social expectations?**
- (4) Should certain categories of exceptions be made mandatory to ensure more legal certainty and better protection of beneficiaries of exceptions?**
- (5) If so, which ones?**

3. EXCEPTIONS: SPECIFIC ISSUES

The Green Paper focuses on the exceptions to copyright which are most relevant for the dissemination of knowledge, namely:

- The exception for the benefit of libraries and archives;
- The exception allowing dissemination of works for teaching and research purposes;
- The exception for the benefit of people with a disability;
- A possible exception for user-created content.

3.1. Exceptions for libraries and archives

As regards the libraries and other similar establishments, two core issues have arisen: the production of digital copies of materials held in the libraries' collections and the electronic delivery of these copies to users. Digitisation of books, audiovisual material and other content can serve a twofold purpose – preservation of content for future generations and making it available for end users online.

Under the current legal framework, libraries or archives do not enjoy a blanket exception from the right of reproduction. Reproductions are only allowed in specific cases, which arguably would cover certain acts necessary for the preservation of works contained in the libraries' catalogues. On the other hand, the library exception and national rules implementing it are not always clear on issues such as "format-shifting" or the number of copies that can be made under this exception. Detailed regulations in this respect result from legislative policy decisions undertaken at the national level. Some Member States have restrictive rules with respect to reproductions that can be made by libraries.

In recent years libraries and other public interest establishments have become increasingly interested not only in preserving (digitising) works but also in making their collections accessible online. If that were to take place, libraries argue, researchers would no longer have to go to the premises of libraries or archives but would easily be able to find and retrieve the required information on the Internet. Also, publishers state that they are digitising their own catalogues with a view to setting up interactive online databases where this material can be easily retrieved from the user's desktop¹¹. These services require payment of a subscription fee.

Under current copyright legislation, publicly accessible libraries, educational establishments, archives and museums benefit from two exceptions in the Copyright Directive:

- an exception to the reproduction right for specific acts of reproduction for non-commercial purposes (Art. 5(2)(c) of the Directive) and
- a narrowly formulated exception to the communication to the public right and the making available right for the purpose of research or private study by means of dedicated terminals located on the premises of such establishments (Art. 5(3)(n) of the Directive).

3.1.1. Digitisation (preservation)

The exception from the reproduction right is limited to "specific acts of reproduction". Article 5(2)(c) thus stands out as the only exception explicitly referring to the first limb of the "three-step test", as codified in Article 5(5) of the Directive, which requires that exceptions be

¹¹ For example, Elsevier, a publisher of 2200 journals has set up ScienceDirect, a service through which 10 million scientists and researchers are granted desktop access to a service offering 8.7 million journal articles. In 2004, Elsevier launched the "Scopus" database which covers 16,000 journals from all key publishers in the areas of scientific, technological and medical publishing. They also provide an online service called "MD Consult" which targets health care professionals by bringing together the leading medical resources.

confined to "certain special cases". Accordingly, and as recital 40 of the Directive points out, this exception should be limited to certain special cases and not cover uses made in the context of online deliveries of protected works or phonograms.

The careful wording of this exception would thus imply that it does not provide libraries or other beneficiaries with a blanket exception from the right of reproduction. Reproductions are only allowed in specific cases, which arguably would cover certain acts necessary for the preservation of works contained in the libraries' catalogues. On the other hand, this exception does not contain clear rules on issues such as "format-shifting" or the number of copies that can be made under this exception. Detailed regulations in this respect result from legislative policy decisions undertaken at the national level.

Some Member States have restrictive rules as to the reproductions that can be made by libraries. The UK government is currently conducting a consultation¹² with a view to amending Section 42 of the Copyright, Designs and Patents Act (CDPA) which allows libraries or archives to make a single copy of a literary, dramatic or musical work held in their permanent collection for the purpose of preservation and replacement. The government proposes to expand the exception so as to allow for copying and format shifting of sound recordings, films and broadcasts and to allow for more than a single copy where successive copying may be required to preserve permanent collections in an accessible format.

As regards preservation of works, it is libraries, archives and museums that preserve works in a durable format. But to an increasing extent, private entities, such as search engines, are also involved in large scale digitisation efforts. As an example, the Google Book Search project was launched in 2005 with the aim of making the content of books searchable on the Internet¹³. Google concludes agreements with European libraries which cover digitisation of public domain works¹⁴. Publishers are also experimenting with free online access to parts or even full texts of books and are developing tools enabling users to browse the content of books¹⁵.

It must be stressed that activities of private entities, such as search engines, cannot benefit from the exception contained in Article 5(2)(c) which is limited to publicly accessible libraries, educational establishments museums or archives and only covers acts which are not for direct or indirect economic or commercial advantage. Digitisation involves the reproduction right¹⁶ because changing the format of a work from analogue to digital requires a

¹² <http://www.ipso.gov.uk/about/about-consult/about-formal/about-formal-current/consult-copyrightexceptions.htm>

¹³ <http://books.google.com>

¹⁴ See the information provided by the Oxford Library: <http://www.bodley.ox.ac.uk/librarian/CNIGoogle/CNIGoogle.htm>

¹⁵ For example, HarperCollins has recently launched a number of such initiatives, namely: the "full access" programme (full texts of selected books are available for free for a limited time), a "Sneak Peek" programme (readers are able to view 20% of the content of many books two weeks before their publication) and the "Browse Inside" programme (readers can browse 20% of the content of books after their publication). These are available at www.HarperCollins.com.

¹⁶ See the agreed statement concerning Article 1(4) of the WCT: "The reproduction right, as set out in Article 9 of the Berne Convention, and the exceptions permitted thereunder, fully apply in the digital environment, in particular to the use of works in digital form. It is understood that the storage of a protected work in digital form in an electronic medium constitutes a reproduction within the meaning of Article 9 of the Berne Convention".

reproduction of the work. For example, a book has to be scanned before it can be digitised. If this scanning is undertaken by entities and in circumstances not covered in Article 5(2)(c), rightholders have to give prior permission for such a reproduction to take place. Similarly, making a digitised work available online requires the prior consent of the rightholder(s).

The scanning of works held in libraries for the purpose of making their content searchable on the Internet is commonly distinguished from linking, deep linking, interlinking or indexing which are activities that relate to works that are already available online. For example, with respect to hyperlinks (an electronic connection to a file placed on the Internet), the German Supreme Court held that works are not reproduced by linking or deep-linking (a link that leads the Internet user to another webpage within a website)¹⁷. In the American case of *Perfect 10 v. Google and Amazon*¹⁸, the court held that in-linking to the full-size image on another website, which does not require a reproduction of the original images, doesn't infringe the reproduction right. While some courts deem thumbnails, i.e. reproductions of small images to facilitate links to other websites on the Internet, to infringe the exclusive right of reproduction¹⁹, the Erfurt Regional Court²⁰ held that using thumbnails to establish links would not give rise to copyright liability if the work had been posted on the Internet by the rightholder or with his consent²¹.

It is often argued however that the Google Book Search project goes further than the search engine at issue in the German Supreme Court's *Paperboy*²² or the *Perfect 10* cases. The search engine in the *Paperboy* case established links to websites which contained protected works that were made available online with the rightholders consent. The *Paperboy* service relied on works made available by others and would no longer be able to create a link to a work that had been withdrawn by the rightholder. The service also did not entail the caching of the work as the link would no longer function once the original was withdrawn.

3.1.2. *The making available of digitised works*

Under current copyright legislation, publicly accessible libraries, educational establishments or museums and archives benefit from a narrowly formulated exception to the right of communication to the public or to making available to the public works or other subject matter, if this is done for the purpose of research or private study by means of dedicated terminals located on the *premises* of such establishments (Art. 5(3)(n) of the Directive).

This exception would arguably not cover the electronic delivery of documents to end users at a distance. As regards electronic delivery of materials to end users, recital 40 of the Directive

¹⁷ BGH, 17th July 2003, case I WR 259/00, *Paperboy* (case decided before the implementation of the Directive).

¹⁸ Case 06-55405, 9th Cir., May 16, 2007.

¹⁹ Bielefeld Regional Court, 8 November 2005, JurPC Web-Dok. 106/2006 and Regional Court of Hamburg, 5 September 2003, JurPC Web-Dok 146/2004.

²⁰ Erfurt Regional Court, 15 March 2007, 3 O 1108/05 - Bildersuche Suchmaschine Haftung.

²¹ Following a similar line of argument, search engines are not asking for prior permission from copyright owners to index content of web pages. Search engines argue that, if a content owner does not want the content of the web page to be indexed, he can encode the message in a text file called "robots.txt" in order to opt-out and block the search engine from copying content. If no such technology is applied, they believe that this is tantamount to an implied licence for a search engine to copy and index.

²² BGH, 17th July 2003, case I WR 259/00, *Paperboy*.

states that the exception for libraries and archives should not cover "uses made in the context of online delivery of protected works or other subject matter".

3.1.3. *Orphan works*

An issue which came to the fore in large scale digitisation projects is the so-called orphan works phenomenon. Orphan works are works which are still in copyright but whose owners cannot be identified or located. There is a significant demand for the dissemination of works or sound recordings of an educational, historical or cultural value at a relatively low cost to a wide audience online. It is often claimed that such projects are held up due to the lack of a satisfactory solution to the orphan works issue. Protected works can become orphaned if data on the author and/or other relevant rightholder(s) (such as publishers or film producers) is missing or outdated. This is often the case with works which are no longer exploited commercially.

Apart from books, thousands of orphan works such as photographs and audiovisual works are currently held in libraries, museums or archives. The lack of data on their ownership can constitute an obstacle to making such works available online to the public and can impede digital restoration efforts. This is particularly the case with orphan films.

The issue of orphan works is mainly a rights clearance issue i.e. how to ensure that users who make orphan works available are not liable for copyright infringement when the rightholder reappears and asserts his rights over the work. Apart from liability concerns, the cost and time needed to locate or identify the rightholders, especially in the case of works of multiple authorship, can prove to be too great to justify the effort. This appears to be especially true for rights in sound recordings and audiovisual works that are currently kept in broadcasters archives. Copyright clearance of orphan works can constitute an obstacle to the dissemination of valuable content and can be seen as hampering follow-on creativity. However, the extent to which orphan works actually impede uses of works is not clear. There is a scarcity of the necessary economic data which would allow the problem to be quantified on the pan-European level.

The orphan works issue is currently being considered both at the national²³ and at the EU level. The US²⁴ and Canada²⁵ have also taken initiatives regarding orphan works. While approaches to this issue differ, the proposed solutions are mostly based on a common principle; a user has to perform a reasonable search in order to try to identify or locate the rightholder(s).

The Commission adopted a recommendation²⁶ in 2006 encouraging the Member States to create mechanisms to facilitate the use of orphan works and to promote the availability of lists

²³ E.g. in the UK "Gowers Review of Intellectual Property", there is a recommendation that the Commission amends Directive 2001/29/EC and introduces an exception for orphan works. Denmark and Hungary have developed solutions to orphan works (the Danish solution is based on extended collective licences and the Hungarian one on licences issued by a public body).

²⁴ The US Copyright Office published a report on orphan works in January 2006. Two bills were tabled on 24 April 2008 at the Senate and the House of Representatives (the "Shawn Bentley Orphan Works Act" and the "Orphan Works Act of 2008", respectively). Both bills are proposals to amend title 17 of the US Code by adding a section on "limitations on remedies in cases involving orphan works".

²⁵ The Canadian solution is based on non-exclusive licences issued by the Copyright Board of Canada.

²⁶ Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural content and digital preservation, 2006/585/EC, L 236/28.

of known orphan works. A High Level Expert Group on Digital Libraries was established bringing together stakeholders concerned by orphan works. The Group adopted a "Final Report on Digital Preservation, Orphan Works and Out-of-Print Works" and a "Memorandum of Understanding on orphan works" was signed by representatives of libraries, archives and rightholders²⁷. The memorandum contains a set of guidelines on diligent search for rightholders and general principles concerning databases of orphan works and rights clearance mechanisms. Detailed solutions are to be developed at the national level.

The majority of the Member States have not yet developed a regulatory approach with respect to the orphan works issue. The potential cross-border nature of this issue seems to require a harmonised approach.

²⁷ http://ec.europa.eu/information_society/activities/digital_libraries/hleg/hleg_meetings/index_en.htm

Questions:

- (6) Should the exception for libraries and archives remain unchanged because publishers themselves will develop online access to their catalogues?**
- (7) In order to increase access to works, should publicly accessible libraries, educational establishments, museums and archives enter into licensing schemes with the publishers? Are there examples of successful licensing schemes for online access to library collections?**
- (8) Should the scope of the exception for publicly accessible libraries, educational establishments, museums and archives be clarified with respect to:**
 - (a) Format shifting;**
 - (b) The number of copies that can be made under the exception;**
 - (c) The scanning of entire collections held by libraries;**
- (9) Should the law be clarified with respect to whether the scanning of works held in libraries for the purpose of making their content searchable on the Internet goes beyond the scope of current exceptions to copyright?**
- (10) Is a further Community statutory instrument required to deal with the problem of orphan works, which goes beyond the Commission Recommendation 2006/585/EC of 24 August 2006?**
- (11) If so, should this be done by amending the 2001 Directive on Copyright in the information society or through a stand-alone instrument?**
- (12) How should the cross-border aspects of the orphan works issue be tackled to ensure EU-wide recognition of the solutions adopted in different Member States?**

3.2. The exception for the benefit of people with a disability

People with a disability should have an opportunity to benefit from the knowledge economy. To this end they not only need physical access to premises of educational establishments or libraries but also the possibility of accessing works in formats that are adapted to their needs (e.g. Braille, large print, audio-books and accessible electronic books).

The Directive contains an exception to the reproduction right and the communication to the public right for the benefit of people with a disability. All Member States have implemented

this exception, however, in some national laws it is restricted to certain categories of disabled persons (e.g. the exception only covers the visually impaired). Some Member States require payment of compensation to the rightholders for the use of works under the exception.

A common concern for disabled people is the costs, in terms of time and money, involved in making accessible copies of books which are only available in paper format or in a digital format which is not easily convertible to Braille. Rightholders believe that appropriate protection against piracy and misuse needs to be guaranteed, especially when it concerns the delivery of digital formats, which can be easily reproduced and instantly disseminated over the Internet.

Article 5(3)(b) of the Directive allows for non-commercial uses directly related to the disability and to the extent required by the disability. Recital 43 of the Directive stresses that Member States should adopt all necessary measures to facilitate access to works by persons suffering from a disability which constitutes an obstacle to the use of the works and to pay particular attention to accessible formats. The exception for the benefit of people with a disability is among the public interest exceptions where the Member States are encouraged to take appropriate measures, in the absence of voluntary measures taken by rightholders, to ensure that beneficiaries have access to works protected by technological measures.

All Member States have implemented this exception, however, in some national laws it is restricted to certain categories of disabled persons (e.g. in the UK²⁸ and Bulgaria it only applies to the visually impaired, in Latvia²⁹, Lithuania and Greece³⁰ it applies to visually and hearing impaired persons). In Lithuania, the exception is further limited to educational and scientific research purposes³¹. In Greece, the exception only covers reproductions and does not extend to communication of the works.

According to recital 36 of the Directive, Member States may provide for fair compensation when applying the optional provisions on exceptions. Some Member States, such as Germany, Austria and the Netherlands, require payment of compensation to the rightholders for the use of works under the exception. Given the cost of converting works to accessible formats and the limited resources available, the question arises as to whether beneficiaries of the exception should be required to pay compensation to the rightholders or whether they should be exempt from such an obligation.

According to a WIPO study³², a common concern is the expense and time needed to make accessible copies from books which are only available in paper format or in a digital format which is not easily convertible to Braille. The Directive does not require rightholders to make a work available in a particular format. The issue is how to supply relevant organisations with a non-protected digital copy for creating accessible formats in a way that addresses publishers' concerns about security and the protection of their copyright in the works.

There are examples of successful cooperation between publishers and organisations representing the visually impaired. In Denmark, e-books or audio-books produced by the

²⁸ Sections 31A-31F of the Copyright (Visually Impaired Persons) Act 2002.

²⁹ Section 19 (1)(3) and section 22 of the 2004 Copyright Act.

³⁰ Article 28A of Law 2121/1993.

³¹ Article 22 (1)(2) of the 2003 Copyright Act.

³² Study on Copyright Limitations and Exceptions for the Visually Impaired prepared by J. Sullivan for the WIPO Standing Committee on Copyright and Related Rights (2006), p. 71-72.

Danish Library for the Blind are equipped with a unique ID which allows control of the use and of the work and the tracing of possible infringers. In France, agreements are in place between a not-for-profit agency BrailleNet and publishers for delivery of digital copies of works which are stored on a specialised secure server accessible only by certified organisations.

Rightholders believe that appropriate protection against piracy and misuse needs to be guaranteed, especially when it concerns the delivery of digital formats, which can be easily reproduced and instantly disseminated over the Internet. A feasible approach appears to be a system of trusted intermediaries, such as specialised libraries or organisations representing the disabled people, which can negotiate with rightholders and enter into agreements. Such agreements provide for different kinds of restrictions and assurances to the rightholders which are meant to prevent abuse.

A related concern is that the exception for people with a disability is not specifically provided in Directive 96/9/EC on the legal protection of databases³³. Article 6(2) of this Directive provides for exceptions for teaching or scientific research, and private use reproductions, but has no exception for disabled people. This raises the concern that the exception for people with a disability in Article 5(3)(b) of Directive 2001/29 could be undermined by invoking database protection on the basis that a particular literary work is simultaneously protected as a database. As pointed out in the Commission staff working paper of 19 July 2004, this situation might arise when the literary work, such as an encyclopaedia, is protected as a work and as a database simultaneously.

Questions:

- (13) Should people with a disability enter into licensing schemes with the publishers in order to increase their access to works? If so, what types of licensing would be most suitable? Are there already licensing schemes in place to increase access to works for the disabled people?**
- (14) Should there be mandatory provisions that works are made available to people with a disability in a particular format?**
- (15) Should there be a clarification that the current exception benefiting people with a disability applies to disabilities other than visual and hearing disabilities?**
- (16) If so, which other disabilities should be included as relevant for online dissemination of knowledge?**
- (17) Should national laws clarify that beneficiaries of the exception for people with a disability should not be required to pay remuneration for using a work in order to convert it into an accessible format?**

³³ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, OJ L 77, 27.3.1996, p. 20-28.

- (18) Should Directive 96/9/EC on the legal protection of databases have a specific exception in favour of people with a disability that would apply to both original and sui generis databases?**

3.3. Dissemination of works for teaching and research purposes

Both teachers and students increasingly rely on digital technology to access or disseminate teaching materials. The use of network-based learning accounts at present for a significant part of regular curricular activities. While dissemination of study materials through online networks can have a beneficial effect on the quality of European education and research, it may also carry a risk of copyright infringement where the digitization and/or making available of copies of research and study materials are covered by copyright.

The public interest exception for teaching and research purposes was designed to reconcile the legitimate interests of the rightholders with the wider goal of access to knowledge. The Copyright Directive allows Member States to provide for exceptions or limitations to the rights of reproduction and communication to the public when a work is used "for the sole purpose of illustration for teaching or scientific research, as long as the source, including the author's name, is indicated, unless this turns out to be impossible." This exception has often been implemented in a narrow sense and distance or Internet-based learning at home is not covered. Also, the exception often only covers copying excerpts of the research material rather than the entire work. Sometimes Member States have opted for a teaching exception, while having no exception for research.

At the time of the adoption of the Directive, both traditional classroom instruction and modern e-learning methods were taken into consideration. Recital 42 thus states that Article 5(3)(a) may also apply to distance education. However, this is not further reflected in the wording of Article 5(3)(a) itself, as it contains neither the definition of the concepts of 'teaching', 'scientific research' or 'illustration' nor any further clarification as to the scope of the exception. Recital 42 refers to the non-commercial nature of teaching and scientific research as the determining criterion for the application of the exception, irrespective of the organizational structure and the means of funding of the institution where these activities are undertaken. The Directive has thus given to the Member States a large amount of freedom in implementation, allowing them to determine the boundaries of permissible use under the exception.

The use of works for purposes of illustration for teaching and scientific research is dealt with differently by the Member States. In some countries, such as Denmark, Finland, Sweden and France (until January 2009), the use of works for purposes of illustration for teaching and research is subject to the conclusion of extended collective agreements between the collecting societies and educational establishments. Despite the advantages of a system of extended collective licensing (the institutions can negotiate the contracts which are best adapted to their needs), this form of licensing presents the risk that no agreement or a rather restrictive agreement will be reached, thus creating legal uncertainty for educational establishments³⁴.

³⁴ This was the case in France, where five sector-specific agreements concerning the use of works for illustration in teaching and research activities were only concluded in 2005, following a joint declaration by the Ministry of National Education representing the educational institutions and the Ministry of Culture representing the rightholders. During the implementation process of the Directive, as a result of the intervention of educational establishments and in particular of universities, an exception governing the use of works for purposes of illustration for teaching and scientific research

In the Member States where the exception for teaching and research is reflected in the national law, the relevant provisions differ to a significant extent. While some countries extend the exception to the rights of communication and making available to the public (e.g. Belgium, Luxembourg, Malta, and France (as of January 2009)), others restrict it to the right of reproduction (Greece, Slovenia) or allow communication to the public only on the condition that it cannot be received outside the premises of the educational institution (UK). Germany, on the other hand, makes a distinction between teaching and research activities; for the former, it allows the use of protected works only for teaching in the classroom and by intranet where it is limited to a group of students attending a particular course. The approach towards research is less restrictive as the making available of works is permitted "for purposes of own research" and "to a limited number of participants"³⁵.

As regards the mode of copying, most Member States do not make any distinction between analogue and digital copies, and both of them are therefore covered by the exception. However, the wording of the Hungarian copyright act restricts the scope of the exception to analogue reproductions only. Also, in Denmark, there has been no agreement on digital copying between the collective rights managers and educational institutions. Universities and schools have been granted a license covering only the making of paper copies of excerpts of works. The only extended collective license which includes such activities as scanning, printing, sending by e-mail, downloading and storage has been issued with regard to the use of works on the Internet in so-called teacher training colleges.

Different treatment of the same act in different Member States may lead to legal uncertainty with regard to what is permitted under the exception, especially when teaching and research are carried out within a transnational framework. An increasing number of students and researchers prefer to have access to relevant learning resources not only in a traditional classroom environment, but also using online networks, without any constraints of time or geography. Provisions only allowing reprographic copying of works or requiring students to be physically present on the premises of the educational institutions do not allow these establishments to exploit the potential of the new technologies and engage in distance learning programs. As the Gowers Review points out: "this means that distance learners are at a disadvantage compared with those based on campus and thus these constraints disproportionately impact on students with disabilities who may work from remote locations. (...) The relevant copyright exception should be extended to allow passages from works to be made available to students by email or virtual learning environments."³⁶

Another divergence between the Member States concerns the length of the excerpts from works which can be reproduced or made available for teaching and research purposes. Thus, the exception could cover the whole work (Malta), journal articles and short excerpts of works (Belgium, Germany or France) or short excerpts of works only, no distinction being made between different types (and lengths) of works (Luxembourg). Concerning the last example, works such as journal articles can be considered in practical terms as being excluded from the

was for the first time introduced into the French Intellectual Property Code; this provision, replacing the previous contractual system will enter into force in January 2009.

³⁵ Section §52a of the UrhG (the German copyright act) also requires users to pay fair compensation to the rightholders for making a work available.

³⁶ Gowers Review of Intellectual Property 2006, para. 4.17 and 4.19

scope of the exception as there is normally little interest in using only a short fragment of a journal article for teaching and scientific research.

With regard to the institutions that could benefit from the exception for teaching and scientific research, the Member States have also adopted different solutions. While the German Copyright Act refers to "schools, universities, post-secondary institutions and non-commercial career-training institutions", other countries like the UK use the generic term "educational establishments" without any further details, whereas the French Intellectual Property Code does not give any indication as to the institutions to which the exception applies and follows the wording of Article 5(3)(a): "illustration for teaching and research". In Spain and in Greece the exemption only covers teaching, thus excluding research activities.

Apart from a certain degree of legal uncertainty due to limited harmonization, the above-mentioned differences can constitute a problem when students enroll for courses in other countries, within the framework of distance learning, or when teachers and researchers carry out their activities in several institutions located in different countries. Depending on the country, identical acts could be legal or illegal. The causes of this problem lie in the different ways in which Member States have implemented the exception into their national laws. Therefore, there have been calls to introduce a mandatory exception for teaching and scientific research, with a clearly defined scope in the Directive. For example, the Gowers Review recommends that the educational exception "should be defined by category of use and activity and not by media or location".³⁷

However, making the exception mandatory and further clarifying its scope does not imply its extension, because the interests of the rightholders must be taken into consideration. For instance, with regard to the exemption to communication to the public for purposes of illustration for teaching and research, the Gowers Review states that "it will be necessary to ensure that access to such (learning and research) material should not be generally available to the public"³⁸ but only to a restricted audience of students and researchers. In this vein, Recital 44 of the Copyright Directive states that "the provision of such exceptions or limitations by Member States should, in particular, duly reflect the increased economic impact that such exceptions or limitations may have in the context of the new electronic environment. Therefore, the scope of certain exceptions or limitations may have to be even more limited when it comes to certain new uses of copyright works and other subject-matter." The proper balance needs to be struck between ensuring an adequate level of protection of exclusive rights and at the same time enhancing the competitiveness of European education and research.

Questions:

- (19) Should the scientific and research community enter into licensing schemes with publishers in order to increase access to works for teaching or research purposes? Are there examples of successful licensing schemes enabling online use of works for teaching or research purposes?**

³⁷ Gowers Review of Intellectual Property 2006, para. 4.15

³⁸ Gowers Review of Intellectual Property 2006, para. 4.18

- (20) Should the teaching and research exception be clarified so as to accommodate modern forms of distance learning?**
- (21) Should there be a clarification that the teaching and research exception covers not only material used in classrooms or educational facilities, but also use of works at home for study?**
- (22) Should there be mandatory minimum rules as to the length of the excerpts from works which can be reproduced or made available for teaching and research purposes?**
- (23) Should there be a mandatory minimum requirement that the exception covers both teaching and research?**

3.4. User-created content

Consumers are not only users but are increasingly becoming creators of content. Convergence is leading to the development of new applications building on the capacity of ICT to involve users in content creation and distribution. Web 2.0 applications such as blogs, podcasts, wiki, or video sharing, enable users easily to create and share text, videos or pictures, and to play a more active and collaborative role in content creation and knowledge dissemination. However, there is a significant difference between user-created content and existing content that is simply uploaded by users and is typically protected by copyright. In an OECD study, user-created content was defined as "content made publicly available over the Internet, which reflects a certain amount of creative effort, and which is created outside of professional routines and practices"³⁹.

The Directive does not currently contain an exception which would allow the use of existing copyright protected content for creating new or derivative works. The obligation to clear rights before any transformative content can be made available can be perceived as a barrier to innovation in that it blocks new, potentially valuable works from being disseminated. However, before any exception for transformative works can be introduced, one would need to carefully determine the conditions under which a transformative use would be allowed, so as not to conflict with the economic interests of the rightsholders of the original work.

There have been calls for the acceptance of an exception for transformative, user-created content. In particular, the Gowers Review recommended that an exception be created for "creative, transformative or derivative works"⁴⁰, within the parameters of the Berne Convention three-step test. The Review acknowledges that this would be contrary to the Directive and accordingly calls for its amendment. The objective of allowing such an exception would be to favour innovative uses of works and to stimulate the production of added value⁴¹.

³⁹ Participative Web and User-Created Content, OECD 2007, p. 9.

⁴⁰ Recommendation 11.

⁴¹ The Review clearly referred to "transformative use" under US law and to the example of sampling in the Hip Hop music industry. However, in US law transformative use alone is not a defence to copyright infringement. Instead, it is one of the conditions required for a use to qualify for the fair use defence under section 107 U.S. Copyright Act.

Under the Berne convention, a transformative use would be *prima facie* covered by the reproduction right⁴² and the right of adaptation. An exception to these rights would have to pass the three-step test. In particular, it would have to be more precise and refer to a specific policy justification or types of justified uses. It would also have to be limited to short takings (short passages, excluding particularly distinctive takings), therefore not infringing the right of adaptation⁴³.

Under the Directive, certain exceptions potentially provide some measure of flexibility in relation to free uses of works. Other than the previously mentioned exceptions, article 5(3)(d) allows quotations "for purposes such as criticism or review". Criticism and review are therefore only examples of possible justifications for quotations. This implies that article 5 (3)(d) can be given a broad scope, although the quotation must be limited to "the extent required by the specific purpose", and in accordance with "fair practice". The "specific purpose" of the commentary need not be the analysis of the work itself. However, a degree of taking which is fair in a commentary on that particular work may become unfair practice if it is for the purpose of commenting on a wider issue. Another exception allowing some measure of flexibility is article 5(3)(k) of the Directive which exempts uses "for the purposes of caricature, parody or pastiche". Although these uses are not defined, they allow users to reuse elements of previous works for their own creative or transformative purpose.

Questions:

(24) Should there be more precise rules regarding what acts end users can or cannot do when making use of materials protected by copyright?

(25) Should an exception for user-created content be introduced into the Directive?

4. CALL FOR COMMENTS

The combined operation of broad exclusive rights with specific and limited exceptions highlights the question of whether the exhaustive list of exceptions under the Directive achieves "a fair balance of rights and interests between [...] the different categories of rightholders and users"⁴⁴.

A forward looking analysis requires consideration of whether the balance provided by the Directive is still in line with the rapidly changing environment. Technologies and social and cultural practices are constantly challenging the balance achieved in the law, while new market players, such as search engines, seek to apply these changes to new business models. Such developments also have the potential to shift value between the different entities active in the online environment and affect the balance between those who own rights in digital content and those who provide technologies to navigate the Internet.

It is in these circumstances that the present Green Paper seeks all stakeholders' views as to the technological and legal developments described above. The questions submitted are of an

⁴² Article 9 Berne Convention.

⁴³ Berne Convention Article 12, Right of Adaptation, Arrangement and Other Alteration.

⁴⁴ Recital 31.

indicative nature only and stakeholders are free to submit comments on any other issues that are addressed or touched upon in this Green Paper.

Answers and comments, which may cover all or only a limited number of the above issues, should reach the following address by 30 November 2008.

markt-d1@ec.europa.eu.

If stakeholders wish to submit confidential responses, they should indicate clearly which part of their submission is confidential and should not be published on the Commission's website. All other submissions, not clearly marked as confidential, may be published by the Commission.



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2009/2225(INI)

15.1.2010

DRAFT REPORT

on defining a new Digital Agenda for Europe: from i2010 to digital.eu
(2009/2225(INI))

Committee on Industry, Research and Energy

Rapporteur: Pilar del Castillo Vera

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United in diversity

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on defining a new Digital Agenda for Europe: from i2010 to digital.eu (2009/2225(INI))

The European Parliament,

- having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'Europe's Digital Competitiveness Report. Main achievements of the i2010 strategy 2005-2009' (COM(2009)0390),
- having regard to its resolution of 14 March 2006 on a European information society for growth and employment¹,
- having regard to its resolution of 14 February 2007 - Towards a European policy on the radio spectrum²,
- having regard to its resolution of 19 June 2007 on building a European policy on broadband³,
- having regard to its resolution of 21 June 2007 on consumer confidence in the digital environment⁴,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on ... and the Committee on (A7-0000/2010),
 - A. whereas Information and Communication Technologies (ICT) permeate virtually all aspects of our lives and are inextricably linked with our desire for a prosperous and competitive economy, for the preservation of our environment, and for a more democratic, open, inclusive society,
 - B. whereas Europe will only reap the benefits of this digital revolution if all EU citizens are mobilised and empowered to participate fully in the new digital society and the person is placed at the core of the policy action; whereas this digital revolution can no longer be thought of as an evolution from the industrial past but rather as a process of radical transformation,
 - C. whereas Europe's potential lies in the skills of its population, its workforce, and its organisations; whereas without skills there can only be limited economic and social value from ICT technologies and infrastructures,
 - D. whereas citizens will refrain from interacting, expressing their opinions freely and

¹ OJ C 291 E, 30.11.2006, p. 133.

² OJ C 287 E, 29.11.2007, p. 364.

³ OJ C 146 E, 12.6.2008, p. 87.

⁴ OJ C 146 E, 12.6.2008, p. 370.

entering into transactions if they do not have sufficient confidence in the legal framework of the new digital space; whereas the guarantee of digital rights is an essential condition for confidence on the part of citizens,

E. whereas we have not yet achieved a fully functioning single market for online services in Europe; whereas the free movement of digital services is today severely hindered by fragmented rules at national level,

1. Calls on the Commission to come forward with a proposal for a comprehensive strategy and action plan enabling Europe to progress towards an open and prosperous digital society; proposes that this new framework be called '2015.eu agenda' and be based on the model of the virtuous 2015.eu spiral;
2. Stresses the importance of continuing efforts towards ubiquitous and high-speed access for all citizens and consumers, through the promotion of access to fixed and mobile Internet and the deployment of next-generation infrastructure; emphasises that this requires policies that promote access on fair terms and at competitive prices for all communities, irrespective of location, thereby ensuring that no European citizen faces exclusion;
3. Believes that every EU household should have access to broadband Internet at a competitive price by 2013; urges the Commission therefore to carry out a review of the universal service obligations and calls on Member States to impart new impetus to the European high-speed broadband strategy, notably by updating national targets for broadband and high-speed coverage;
4. Underlines the importance of maintaining Europe as the mobile continent in the world and ensuring that 75% of mobile subscribers are 3G (or beyond) users by 2015; recalls the necessity to accelerate the harmonised deployment of the digital dividend without compromising existing broadcast services;
5. Considers that, as Internet access rates are increasing, 50% of EU households should be connected to high-speed networks by 2015;
6. Calls on Member States to transpose the telecoms package before the established deadline, in particular the new provisions on Next Generation Access (NGA) networks and spectrum, which provide for a stable regulatory environment to stimulate investment while safeguarding competition;
7. Recalls that one aim of the new electronic communications regulatory framework is progressively to reduce ex ante sector-specific rules as competition in the markets develops and, ultimately, for electronic communications to be governed by competition law only;
8. Insists that digital competences are crucial for an inclusive digital society and that all EU citizens should be empowered with the appropriate digital skills; emphasises the essential commitment to reduce digital literacy and competence gaps by half by 2015;
9. Stresses that all primary and secondary schools must have high-speed Internet

connections by 2015;

10. Proposes the launch of a 'Digital literacy action plan' at EU and Member State levels, notably comprising: specific digital literacy training opportunities for groups at risk of exclusion; incentives for private-sector initiatives to provide digital skills training to all employees; a European-wide 'Be smart online!' initiative to make all students familiar with the safe use of ICT and online services; and a common EU-level ICT certification scheme;
11. Emphasises that all EU citizens should be made aware of their basic digital rights through a European Charter of citizens' and consumers' rights in the digital environment, consolidating and updating the Community acquis as appropriate;
12. Believes firmly that the protection of privacy constitutes a core value and that all users should have control of their personal data, including the 'right to be forgotten'; calls therefore for the adaptation of the Data Protection Directive to the current digital environment;
13. Calls on the Commission to take further action to fight cybercrime and spam and urges all Member States to ratify the Cybercrime Convention;
14. Insists on safeguarding an open Internet, where citizens have the right to access and distribute information or run applications and services of their choice; calls on the Commission, the Body of European Regulators for Electronic Communications (BEREC) and the National Regulatory Authorities (NRAs) to monitor closely and enforce the harmonised implementation of the 'net neutrality' provisions;
15. Calls on the Commission to propose before 2013 a long-term solution to the problem of roaming;
16. Calls on the EU institutions to remove the key regulatory obstacles to cross-border online transactions by 2015; calls on the Commission to review the Community acquis affecting the online single market and to propose targeted legislative action on key impediments;
17. Takes the view that, almost a decade after their adoption, the Directives concerning the legal framework for the information society (i.e. the Data Protection Directive, Electronic Signatures Directive and Electronic Commerce Directive) appear out of date due to the increased complexity of the online environment and the introduction of new technologies; believes that, while the legal issues arising from some Directives can be resolved through an incremental update, other Directives need a more fundamental revision;
18. Emphasises the potential value to citizens and businesses of the digital switchover of public services and calls on Member States to develop national plans for the digital switchover of public services, which should include targets and measures for getting all public services online and accessible to persons with disabilities by 2015;
19. Emphasises the need to develop the free circulation of content and knowledge and to achieve, by 2015, a simple, consumer-friendly legal framework for accessing digital content in Europe, which would give certainty to consumers and ensure robust solutions

that are balanced and attractive for users and rights-holders; urges the EU to accelerate the debate on copyright and to establish an EU copyright title under Article 118 of the Treaty on the Functioning of the EU by 2013;

20. Considers that, alongside consistent deployment of ICT, it is essential to promote ICT research excellence and foster public and private investment in high-risk, collaborative ICT research and innovation; stresses that Europe should be at the cutting edge in the development of Internet technologies and ICT low-carbon applications; proposes that the EU ICT research budget be doubled and that the budget for ICT take-up be multiplied by four in the next Financial Perspective;
21. Is concerned about red tape in the EU Framework Programme (FP); calls on the Commission to eliminate red tape by re-engineering FP processes and by creating a users' board;
22. Considers that the 2015.eu agenda should aim at mainstreaming ICT for a low-carbon economy; calls for exploitation of ICT technologies to enable a reduction of 15% in CO₂ emissions to be achieved in key sectors by 2020 and calls for promotion of responsible energy consumption, notably through the installation of smart meters in 50% of homes by 2015; points out also that the ICT sector footprint should be reduced by 50% by 2015;
23. Considers that the ownership of the 2015.eu agenda by all political levels (EU, national and regional), as well as political visibility, are essential prerequisites for effective implementation; proposes in this regard that Digital Agenda Summits be periodically organised to review progress at Union and Member State level and to renew political impetus;
24. Draws the attention of the Commission specifically to the necessity to set smart (specific, measurable, appropriate, realistic and time-based) objectives and targets and adopt an Action Plan mobilising all appropriate EU instruments: funding, soft law, enforcement and, where necessary, targeted legislation;
25. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

EXPLANATORY STATEMENT

Information and communication technology (ICT) now permeates virtually all aspects of our lives. ICT is inextricably linked with our desire for a prosperous and competitive economy, for the preservation of our environment, and for a more democratic, open, inclusive society. The changes we have been experiencing can no longer be thought of as an evolution from the industrial past; they call for a radical transformation. Business as usual is therefore not an option. Europe will only reap the benefits of this digital revolution if all EU citizens are mobilised and empowered to participate fully in the new digital society.

The policy areas and enabling factors identified in this report form an overall ICT policy framework for the EU over the next five years that the rapporteur proposes to call '**2015.eu agenda**'. This renewed agenda can be graphically depicted as a **virtuous 2015.eu spiral** (see Annex). The core of the spiral is the person (both as citizen and as consumer). Each person should be empowered with the appropriate competences and ubiquitous and high-speed access. Citizens also need a clear legal framework that protects their rights and that provides them with the necessary trust and security. This is essential for citizens to enjoy the freedom to access without impediments digital services and content throughout the entire internal market ('fifth freedom'). Finally, knowledge and technologies are indispensable for supporting the competitiveness of our economy and a more prosperous society.

This report is intended to provide guidance and inspiration, notably to the Commission, for the proposal of a comprehensive 2015 strategy and action plan mobilising all appropriate EU instruments: funding, soft law, enforcement and, where necessary, targeted legislation.

I. EMPOWERING CITIZENS AND CONSUMERS

Europe will only reap the benefits of this digital revolution if all EU citizens are mobilised and empowered to participate fully in the new digital society. This requires confidence by investors to make long term commitments, confidence by governments to move more strongly to e-government and confidence by citizens to use the digital services

1. Ensuring ubiquitous and high-speed access

A prerequisite for the creation of a European knowledge society is that all users have access to resilient and reliable wired and wireless broadband networks. Fixed and wireless technologies need to be widely available and interoperable to allow seamless high rate access to the Internet.

1.1 Achieving a fully connected society

This requires policies that promote access on fair terms and at competitive prices to all communities, irrespective of location, thereby ensuring that no European citizen faces exclusion. A fully connected society means today also a mobile society. The economics of mobile are highly dependant on spectrum cost and availability and it is important that the spectrum in the Digital Dividend bands is made available as soon as practical without compromising existing broadcast or other services.

Policy goals:

- ***Every EU household should have access to broadband Internet at a competitive price by 2013.***
- ***Keep Europe as the mobile continent in the world: 75% of mobile subscribers should be 3G (or beyond) users by 2015.***

Policy actions:

- *Review by the Commission of the universal service obligations by 2010.*
- *European high-speed broadband strategy, including an update of Member States' targets (2010-2015).*
- *Accelerate the harmonised deployment of the Digital Dividend (2010-2015) and support the extension of coverage and quality of broadband through its allocation.*

1.2 Deploying the next generation infrastructure

The capital outlays potentially needed for deploying high-speed networks throughout the EU are clearly significant. The new provisions of the telecoms package relating to NGA provide a stable and predictable regulatory environment to stimulate investment while safeguarding competition and rewarding risk

Policy goals:

- *50% of EU households should be connected to high-speed networks by 2015.*

Policy actions:

- *Swift transposition of the telecoms package (before mid 2011).*

2. Digital competences for an inclusive digital society

Europe's potential lies in the skills of its population, its workforce, and its organizations. Without pervasive infrastructure there can only be limited use of ICT and without skills there can only be limited economic and social value from that use. If ignored, the lack of ICT skills will be the bottleneck that prevents the EU from being competitive in the global economy. Skills requirements and tools will differ between age groups, but the necessity is strong in all groups.

Policy goals:

- *Halve the digital literacy and competence gaps by 2015.*
- *All primary and secondary schools should have high speed internet connections by 2015.*
- *All primary and secondary school students should receive training on Internet risks and about a safe and responsible use of it by 2012.*
- *All adults of working age should be offered ICT training opportunities (2010-2015).*

Policy actions:

- *Digital literacy and competence Action Plan (2010-2015) comprising:*
 - *Specific digital literacy training actions (i.e. vouchers) for groups at risk of exclusion.*
 - *Public-private partnerships and incentives to private sector initiatives to provide training to all employed people.*
 - *'Be smart online!' initiative to make all students familiar with the safe use of ICT.*
 - *EU level ICT diploma as part of standard education and EU certification scheme for digital skills acquired outside the formalised education system.*

3. Digital rights

When there is no sufficient confidence in a legal framework, citizens refrain from interacting, expressing freely their opinions and entering into transactions. Only through properly empowered and informed citizens will Europe unlock the full social and economic potential of the new online environment.

Citizens should be made aware of the privacy impact of their behaviour in an online context, and should be afforded the right to require the removal of personal data even when the data was initially collected with the consent of the data subject. The fight against cybercrime is another significant challenge. The effective enforcement of EU legislation in this field is often obstructed by cross-border legal issues, such as competent jurisdiction or applicable law.

Policy goals:

- *All citizens should be aware of their basic digital rights.*
- *All users should have control of their own data ('right to be forgotten').*

Policy actions:

- *Charter of citizens' and consumers' rights in the digital environment by 2012.*
- *Ratification of Cybercrime Convention by all Member States (2010-2015).*

II. AN OPEN AND COMPETITIVE DIGITAL SINGLE MARKET

The well-functioning of the digital economy is imperative for the well-functioning of the entire EU economy. However, the free movement of digital services is today severely hindered by fragmented rules at national level. Businesses are facing many barriers to selling across the borders, mainly because of the different regulations applicable at Member State level in areas such as consumer protection, VAT, recycling of electrical and electronic equipment, specific products regulations, and payment transaction. Unless this is solved, businesses and consumers will never reach the full potential of the digital economy.

4. Implementing effectively the new regulatory framework

Regulatory fragmentation in telecoms costs Europe's businesses €20 billion per year according to experts' estimates –a cost factor that should be eliminated as soon as possible by bringing the reforms into force, and by applying the new rules effectively.

Policy goals:

- *Achieving a fully competitive electronic communications market.*
- *Safeguarding an open Internet respecting the right of citizens to access and distribute information or run applications and services of their choice.*

Policy actions:

- *Transpose and implement the revised regulatory framework as quickly as possible (before mid 2011).*
- *BEREC should be operational as soon as possible.*
- *Harmonised implementation of the 'net neutrality' provisions in the Member States.*

- *Solution to the problem of roaming avoiding the need to perpetually regulate retail prices by 2013.*

5. Boosting the digital services market

We have not achieved yet in Europe a fully functioning single market for online services. Figures speak for themselves: only 7% of all transactions made by European consumers over the web are cross-border; only 35% of the total population in the EU have used advanced internet services in the last 3 months.

5.1 Removing the obstacles hindering the digital services market

Fragmentation in Europe's market of 500 million consumers prevents economies of scale, to the detriment of businesses and consumers. The EU regulatory framework for the information society was created in a piecemeal fashion over a period of several years (mainly 2000-2005), resulting in a set of EU Directives that each cover one or more different areas of the information society (i.e. Data Protection Directive of 1995, the Electronic Signatures Directive of 1999, the Electronic Commerce Directive of 2000). Almost a decade after their adoption these Directives appear dated by the increased complexity of the online environment. While the legal issues of some Directives can be resolved through a small incremental update, other Directives need a more fundamental revision.

Policy goals:

- *Eliminate the key regulatory obstacles to cross-border online transactions by 2015.*
- *Every mobile user should be able to use its device as a mobile wallet by 2015.*

Policy actions:

- *Review the Community acquis affecting the online single market: scoreboard of obstacles plus targeted action on key impediments.*
- *Develop common EU-wide standards and rules for mobile payments ('m-cash').*

5.2 Digital switchover of public services

ICT tools enable enhanced public engagement, increased access to public information and strengthened transparency. Mobility in the Single Market can be reinforced by seamless e-Government services for setting up and running of a business and for studying, working, residing and retiring anywhere in the EU.

Policy goals:

- *All public services should be available online and accessible by persons with disabilities by 2015.*
- *50% reduction of the carbon footprint of public services by 2015.*

Policy actions:

- *Develop national plans for the digital switchover of public services including:*
 - *Targets and measures for getting governments, health and education services on line by 2015 and for promoting the take-up by citizens and businesses.*

6. Developing the Fifth Freedom: free circulation of content and knowledge

When it comes to the provision of digital content, Europe cannot claim to be the largest marketplace in the world, it is 27 separate markets. Providers of content are confronted with overly complex and nationally based licensing systems, which make it more difficult for digital businesses to provide compelling legal content offers. This not only limits the availability of legal content online, but also stifles the development of new media services. These issues are part of a difficult and urgent debate, but illustrate in any case that a fundamental revision of the current state of online copyright is becoming necessary. We need to accelerate this debate to ensure robust solutions that are balanced and attractive for users and right holders.

Policy goals:

- ***A simple, consumer friendly legal framework for accessing digital content in Europe by 2015.***

Policy actions:

- ***Establishment of an EU copyright title under Article 118 of the TFEU by 2013.***
- ***Develop common EU-wide standards and rules for online payment methods (i.e. 'm-cash') by 2012.***

III. A PROSPEROUS ECONOMY AND SOCIETY

It is widely acknowledged that there is a direct link between the investment in ICT and economic performance, as it raises the innovation capacities of all industrial sectors in a horizontal way, improves productivity and helps to optimise the use of natural resources. Research and innovation capacity is essential to be able to shape, master and assimilate ICT technologies and exploit them to economic, societal and cultural advantage.

7. Promoting world class research and innovation

Open Innovation requires global interaction throughout the research value chain and easier co-operation with research institutions outside of Europe. Within this context, ICT research and innovation policy should promote the pooling of public and private funding and its focusing it on areas where Europe is or can become a global leader. Research efforts should not be undermined by undue red-tape of public funding programmes.

Policy goals:

- ***Europe at the leading-edge of the development of internet technologies.***
- ***Technological leadership in ICT low-carbon applications.***
- ***Radical reduction of EU Framework Programme red-tape.***

Policy actions:

- ***Double EU ICT research budget in next Financial Perspective and multiply by 4 the budget for ICT take-up.***
- ***Develop the Future Internet Public Private Partnership.***
- ***Reengineer Framework Programme processes to eliminate red-tape and create a users' board to ensure user-friendliness.***

8. Supporting the competitiveness of the EU economy

Europe's future competitiveness and its ability to recover from the current economic crisis depend to a large extent on its capacity to facilitate widespread and effective deployment of ICT in businesses. SMEs can be the mainspring of Europe's economic resurgence. But in the use of productivity-boosting ICT tools, SMEs lag substantially behind big firms.

Policy goals:

- *ICT goods and services trade balance of the EU should be positive by 2015.*
- *80% of SMEs should use advanced business tools by 2015.*

Policy actions:

- *Promote the emergence of and the use by SMEs of Internet based services, such as cloud computing or software as service models.*

9. Mainstreaming ICT for a low-carbon economy

ICT can and should play a major role in promoting responsible energy consumption in households, transport, energy generation and manufacturing. Smart meters, efficient lighting, cloud computing and distributed software can transform usage patterns of energy sources.

Policy goals:

- *15% ICT enabled CO₂ emissions reduction in key sectors by 2020.*
- *Reduction of the ICT sector footprint by 50% by 2015.*
- *More energy efficient behaviour by consumers: 50% of homes fitted with smart meters by 2015.*

Policy actions will be the subject of a specific INI report.

IV. ENABLING FACTORS

In order for the 2015.eu digital agenda to become this strategic framework and to produce the intended results, strong political ownership and effective delivery mechanisms are required.

10. Political Leadership

Multilevel governance and ownership

2015.eu will only be effective if it is 'owned' by all political levels and is implemented as a shared responsibility at EU, national and regional levels.

Political visibility

The organisation Digital Agenda Summits should help to review progress, to reinforce the commitment of the actors involved, to raise the profile of the role of ICT and renew political impulse.

11. Effective delivery

Smart objectives and targets

A strategy without smart (specific, measurable, appropriate, realistic, and time-based) objectives is not more than a declaration of intentions. Member States should set national

smart objectives corresponding to their different situations.

EU Action and Legislative Programme

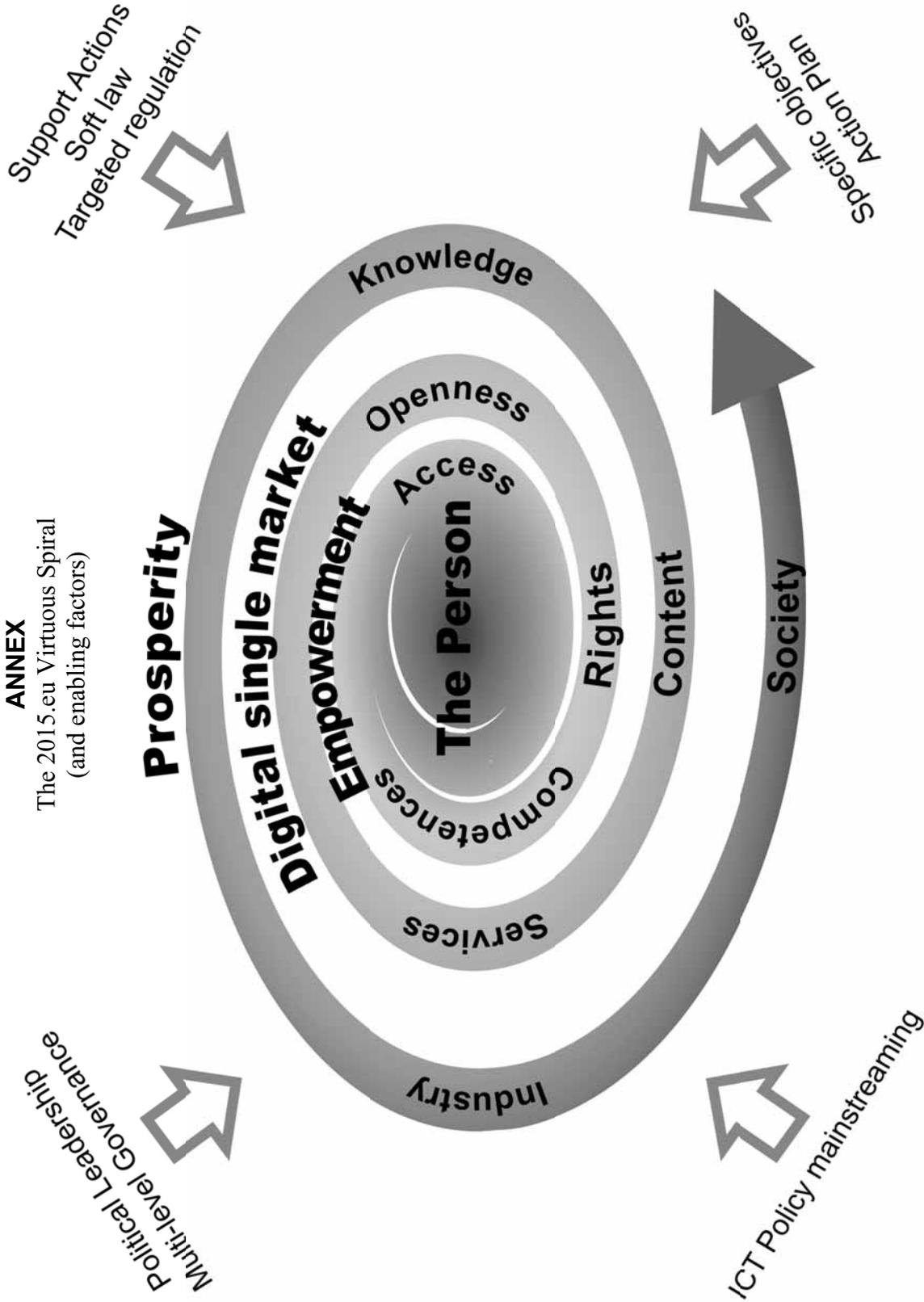
The objectives to be pursued at the EU level shall be spelt out in terms of an Action Plan and, where necessary, targeted legislation. All appropriate delivery mechanism and all EU instruments should be mobilised.

Monitoring and benchmarking

The Commission and the Member States should systematically benchmark, evaluate and monitor progress every year by means of a 2015.eu scoreboard.

ANNEX

The 2015.eu Virtuous Spiral
(and enabling factors)



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THE IMPACT OF CULTURE ON CREATIVITY

A Study prepared for the European Commission
(Directorate-General for Education and Culture)

June 2009



EXECUTIVE SUMMARY

« Il faut apprendre à juger une société à ses bruits, à son art, à ses fêtes plus qu'à ses statistiques. »

Jacques Attali

Creativity is a powerful catch phrase. In Western societies it epitomises success, the modern, trends for novelty and excitement. Whether linked to individuals, enterprises, cities or regions creativity establishes immediate empathy, and conveys an image of dynamism. Creativity is a positive word in a society constantly aspiring to innovation and “progress”.

Culture is the general expression of humanity, the expression of its creativity. Culture is linked to meaning, knowledge, talents, industries, civilisation and values. The objective of the study is to have a better understanding of the influence of culture on creativity, a motor of economic and social innovation. Does music, visual art, cinema and poetry for instance contribute to creativity as a way to stimulate job creation, economic prosperity, learning and social cohesion? What is the impact of artistic creation on innovation? Why do companies want to be associated with culture and art? What is the social function of artistic and cultural creativity?

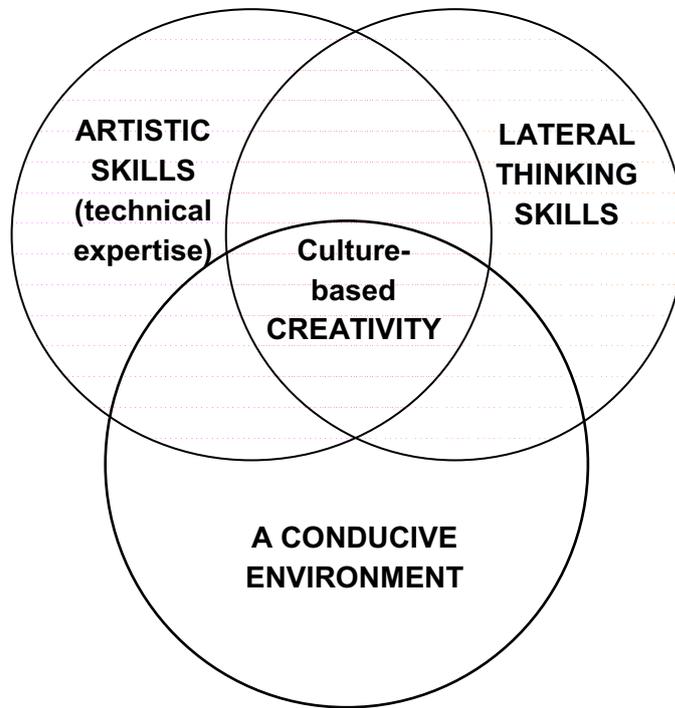
The report develops the concept of culture-based creativity, stemming from art and cultural productions or activities which nurture innovation, and going beyond artistic achievements or “creative content” feeding broadband networks, computers and consumer electronic equipments.

This culture-based creativity is linked to the ability of people, notably artists, to think imaginatively or metaphorically, to challenge the conventional, and to call on the symbolic and affective to communicate. Culture-based creativity has the capacity to break conventions, the usual way of thinking, to allow the development of a new vision, an idea or a product. The nature of culture-based creativity is closely linked to the nature of artistic contribution as expressed in art or cultural productions. The spontaneous, intuitive, singular and human nature of cultural creation enriches society.

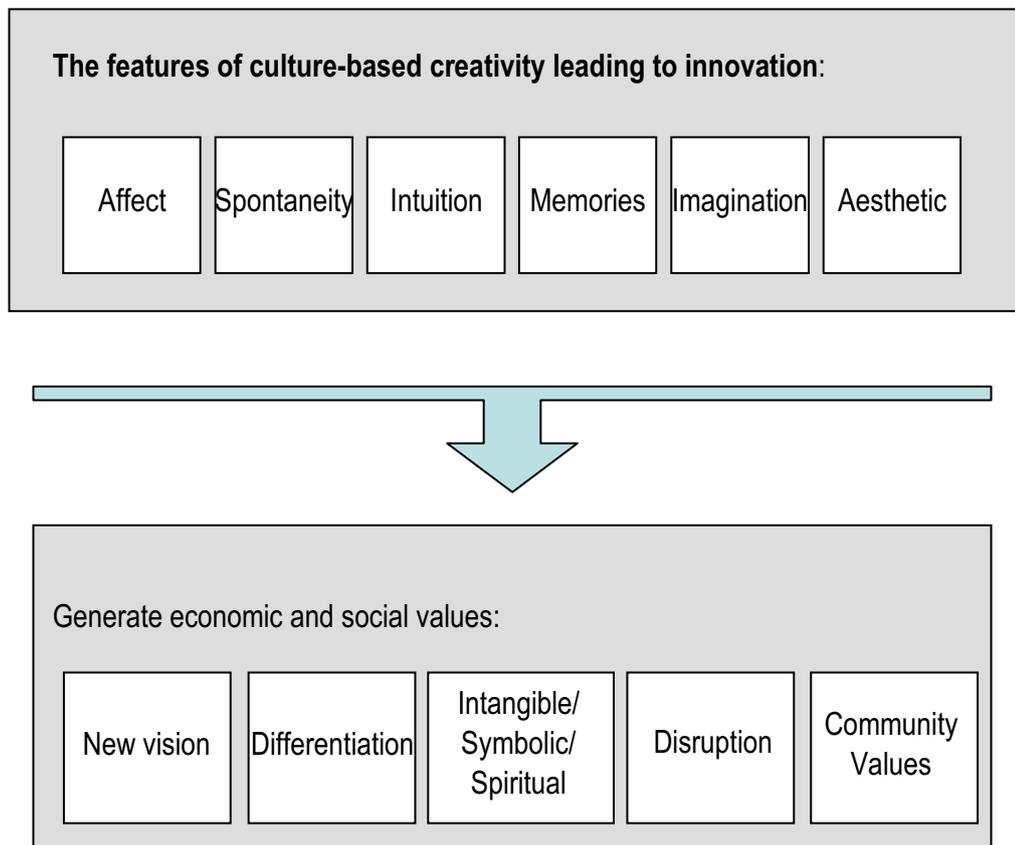
To emerge culture-based creativity requires:

- personal abilities (ability to think laterally or in a non-linear way, to be imaginative),
- technical skills (often artistic skills or craftsmanship),
- a social environment (a social context through notably education and learning that encourages, and appreciates creativity as well as an economy that invest in culture and culture-based creativity).

Components of culture-based creativity



The impact and value of culture-based creativity on the economy



The impact and value of culture-based creativity on the economy

The report illustrates the impact of culture in the development of new products and services, (including public services), driving technological innovation, stimulating research, optimising human resources, branding and communicating values, inspiring people to learn and building communities.

Culture-based creativity is an essential feature of a post-industrial economy. A firm needs more than an efficient manufacturing process, cost-control and a good technological base to remain competitive. It also requires a strong brand, motivated staff and a management that respects creativity and understands its process. It also needs the development of products and services that meet citizens' expectations or that create these expectations. Culture-based creativity can be very helpful in this respect.

Digital technologies play an important role in this intangible economy as they provide new forms of social exchanges and contribute significantly to new expressions of creativity. Of course cultural production (such as music, publishing and movies) makes new technology more relevant to consumers, enables the development of new markets and contributes to digital literacy. However the successes of free and open-source software and services, such as Wikipedia, are also trends that prefigure an economy in which sharing and exchanging knowledge and skills is not principally based on securing financial gain. These new forms of exchanges give more importance to social ends and therefore culture-based creativity. Art and culture (in particular music) is often the basis on which social networking takes place (peer-to-peer file sharing).

It therefore becomes an imperative for industry to meet and to create new kinds of demand that are not based merely on the functionality of a product but are instead rooted in individual and collective aspiration. In this new paradigm, marketing and services are as important as production. This requires creative skills and thoughts as productivity gains at manufacturing level are no longer sufficient to establish a competitive advantage. Culture-based creativity is a powerful means of overturning norms and conventions with a view to standing out amid intense economic competition. Creative people and artists are key because they develop ideas, metaphors and messages which help to drive social networking and experiences.

Apple's success is intrinsically linked to the founder's vision that technology, marketing and sales alone are not sufficient to deliver corporate success. A key factor is to have people who believe very strongly in the values of the company and who identify it with as creators and innovators – the ad campaign "Think different" featuring Picasso, Einstein, Gandhi was described by Steve Jobs as a way for the company to remember who the heroes are and who Apple is.¹ Apple has succeeded to create empathy for technology that other technology companies have failed to provide. The aesthetic of the product range, through innovative design, also yielded success.

To succeed in a post-industrial economy, businesses across a very wide range of sectors must ensure that what they are selling offers a rich and compelling experience. Such experience enables differentiation from competing brands or products. These developments lead to the creation of the "experience economy".

¹ The seed of Apple's innovation, *Business Week*, 12 October 2004.

When Virgin Atlantic entered the airline business the differentiation came from entertainment services and the experience offered on transatlantic flights. Virgin was the first airline to offer massage on board or multiple choices of music and videos; a service that has now become a standard norm in air travel. It is no accident that Virgin founder, Sir Richard Branson, came from the music business and applied the “hip” and “cool” values” associated with the Virgin record label to the airline industry. Virgin Atlantic decided that it would do more than transport people from place to place.

Culture-based creativity is a fundamental means for industry and policy decision makers to adopt and implement more user-centred strategies (less about “making things” more about providing a service).

Jan Timmer – the former CEO of Polygram, the music and film subsidiary of Philips - turned the company Philips (on the verge of bankruptcy in the late 80’s) around by developing a strategy based on the view that technology was not an end in itself but a means of improving life. This led to a change in processes aimed at focusing on people, not technologies per se. The use-centred design approach called on new skills in the company including designers, sociologists and anthropologists. From its “Make things better” slogan Philips has moved to “Sense and simplicity” reflecting the shift to the experience economy.

Culture-based creativity helps to promote well-being, to create lifestyle, to enrich the act of consumption, to stimulate confidence in communities and social cohesion. It is increasingly used in the management of human resources, notably through artists-in-residence projects.

For instance AIRIS is a Swedish project based upon a programme in which artists join a company for a period of 10 months to work together on a cultural project. It was initiated by TILLT, an organisation set up by the region of West Sweden since 1973 to promote and support collaboration between artists and firms.

Culture-based creativity is therefore a key input for businesses or public authorities which want to communicate more effectively, challenge conventions and look for new ways to stand out. It contributes to product innovation, to branding, to the management of human resources and to communication.

Culture-based creativity and social innovation

Cultural productions, as communication tools charged with subjectivity and emotion, have participated in the expression of social life since the origin of human kind. Culture-based creativity plays a key role in generating social innovation.

Art and culture can benefit public service delivery and innovation in a variety of ways:

- public service broadcasters are an example of this and many make much of their reputation as 'trusted media providers';²
- participation in cultural activities can emphasise a feeling of belonging in society, which also increases trust in the public realm and public services. Culture can therefore help to bring certain public services closer to their constituents;
- some public services have pioneered new methods of collaborative feedback and decision making by means of integrating creative media innovations – online discussion fora, social networking sites and online petitions allow the public to interact more easily with public services;
- Finally, some public services promote participation and involvement, often of marginalised groups – the development of community media and community arts, more generally, are good examples of this.

Culture contributes to strengthening social ties among communities and thereby nurtures individual as well as organisational self-esteem and ultimately well-being.

Social cohesion can be defined as a set of shared norms and values for society which also encompasses the diversity of people's different backgrounds and helps to ensure that those from different backgrounds have similar life opportunities. It is the ability of cultural activities to help express specific cultures, while also developing strong and positive relationships between people from different backgrounds in the workplace, in schools, and within neighbourhoods.

Culture can offer new approaches both in terms of tackling what are sometimes referred to as 'social problems', for which current approaches are deemed inadequate. Policy areas in which culture has successfully helped in this respect include urban regeneration, social cohesion, crime prevention, health and the fight against pollution.

Art and culture learning to stimulate creativity

Society plays an important role in developing and advancing creativity. A fundamental external factor that influences creativity is education and learning. Education and learning play a fundamental role in shaping a creative environment. Art and culture have the ability to stimulate people's imagination and creativity in schools, in colleges and universities and in lifelong learning.

Creativity in learning is about fostering "flexibility, openness for the new, the ability to adapt or to see new ways of doing things and the courage to face the unexpected."³ Imagination, divergent thinking and intuition need to be considered as important characteristics of progressive arts education – by schools, universities and further education providers.

² Davies, G., *The BBC and Public Value*, London, Social Market Foundation, 2004.

³ Cropley, *Creativity in education and learning, a guide for teacher and educator*, Routledge 2001.

Undue emphasis on outcome rather than process is likely to frighten children away from originality. Taking risks without fearing failure is the cornerstone of creative endeavour. The “testing-culture” that holds sway in most EU countries militates against this idea of experimenting and taking risks without fears of failure. The mainstreaming of the arts is also a way to achieve high-academic results in other disciplines.

Arts schools specifically nurture creativity, as demonstrated in the way that art is taught and learned about. Their modes of teaching consist of promoting critical reflection, innovation, and the ability to question orthodoxies.

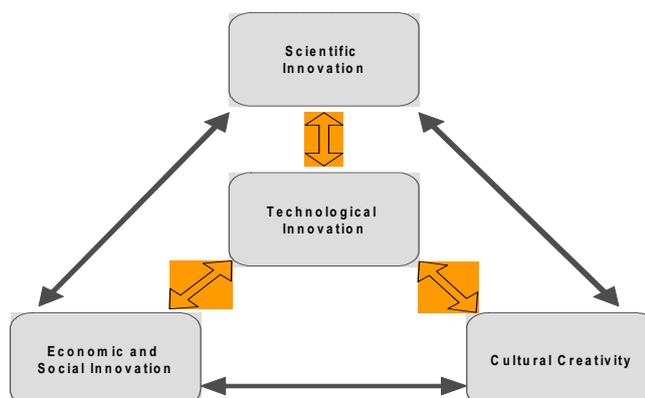
This makes a strong case for arts schools and arts-related disciplines to play an important role in this learning transformation in higher education. The education sector's response to the need for both business and technology to acknowledge the importance of culture-based creativity is to introduce inter-disciplinary learning across educational fields. Finland recently initiated a paradigm shift away from technology-driven innovation towards more human-centred innovation; with the ambitious Aalto University project (a private-public partnership) that brings together art, business, and technology studies on the same campus.

Policy making and culture-based creativity

Europe has enormous cultural and creative assets, a wealth of ideas, artists and creative people. European brands are amongst the best in the world in technology, luxury goods, tourism, media publishing, television, music, computer animation, videogames, design and architecture. European creators and artists in architecture, design, fashion, cinema, music, and modern art have worldwide influence.

However Europe does not harness this huge potential to the full in order to better serve the economy and society as a whole.

As part of the Lisbon strategy Europe has developed a strong policy framework to support innovation. However, “innovation policy has rather developed as an amalgam of science and technology policy and industrial policy.”⁴ Policies on innovation need to be developed so as to recognise the cross-sectoral and multi-disciplinary aspect of “creativity” which mixes elements of “culture-based creativity”, “economic” as well as “technological innovation.”



Towards a EU creativity policy

The purpose is to create a Europe that stimulates and encourages creativity and provides individuals, society, public institutions and enterprises with incentives to build on culture for social and economic renewal.

The objectives are to:

- Encourage imagination and talent at school, in firms and public institutions, in life.
- Support the development of a creative economy by integrating creativity into EU innovation policies.
- Promote social innovation through culture.
- Encourage cross-fertilisation between regional identities and culture by clustering talents at European level to foster local development as well as multilingualism.
- Brand Europe as the place to create in the world.
- Move from cultural competition amongst Member States to cultural collaboration to make Europe's creativity visible internationally.

The study proposes a number of concrete measures to implement five actions:

- Raise awareness on culture as an important resource of creativity.
- Mainstream culture-based creativity in policies to foster innovation.
- Re-direct existing financial resources or create new programmes to stimulate creativity
- Brand Europe as the place to create.
- Question and tailor the regulatory and institutional frameworks to support creative and cultural collaboration.

Creativity is a process continuously shaped and stimulated (or constrained) by human, social, cultural and institutional factors. It is proposed to establish a Creativity Index (with a set of 32 indicators) whose aim is to assess the creative environment in EU Member States and to enable the development of a creative ecology in Europe through art and culture.

Culture lies on the fringe of the European project as a subsidiary competence whilst it is at the heart of innovation goals and the development of new economic and social paradigms. As a priority the European institutions as well Member States should review policies aimed at stimulating innovation in the framework of the Lisbon strategy to determine whether they stimulate culture-based creativity and engage the creative and cultural sectors.

⁴ Oslo Manual, *Guidelines for collecting and interpreting innovation data, a joint publication of OECD and Eurostat*, third edition 2005, p.15

Besides reviewing policies related to innovation the report suggests re-directing existing financial resources or creating new programmes to stimulate culture-based creativity. In relation to the EU, programmes and funds should aim to support:

- Creative entrepreneurs, enterprises and research centres that draw on culture-based creative inputs.
- Social innovation through culture.
- Territories using culture as a tool for development.
- Cultural co-operation across different territories.

A range of concrete policies and actions are also suggested to brand Europe as a place to create, to imagine, to express talent; a place that nurtures and values “singularity” and differences.

Art and culture can make a vital contribution to the achievement of objectives that reconcile wealth creation with sustainability and respect for common humanist values because one of the features of art and culture is that they help us to transcend purely economic or utilitarian constraints. We all have a role to play, both as citizens and consumers in drawing on the power of culture and creativity to help deliver new, more sustainable ways of living and working.

Europe’s multiculturalism is a chance to stimulate creativity. Europe’s diverse cultures, its history and geography are a significant source of its creativity. It is Europe’s diversity and its patchwork heritage that has shaped its destiny and will determine its future. Pluralism and openness to influences are distinct features of the European model. This cosmopolitanism is an extraordinary resource of creativity.

The additional challenge for Europe is to make the best of its cultural diversity in the context of globalisation. To a large extent, Europe’s future is dependent on its ability to transcend local identities to harness creativity but also to ensure the presence of diverse local identities in an international context. By asserting and developing its creative ambitions Europe can become a very significant force for the generation of innovative ideas and services which have both significant economic value and the capacity to improve the quality of life of its citizens. Europe should become a central place in the meeting of influences and ideas. At the confluence Europe increases its creativity and innovation potential. In this way, the power of creativity, art and culture could be harnessed to play an increasingly important role in driving economic and social progress in Europe.

KEA European Affairs

www.keanet.eu

June 2009

**Recommendations for Cultural and Creative Industries
Brussels, June 2008 - September 2009**

**Platform on the Potential of Cultural
and Creative Industries**

Platform on the Potential of Cultural and Creative Industries

This document presents the recommendations of the Cultural Industries Stakeholders' platform aiming to unlock the potential of the European cultural and creative industries in particular SMEs. Drawn up by nearly 40 European organisations representing hundreds of thousands of cultural and creative actors from different fields, these recommendations are designed to be implemented by decision makers at EU, national and local level. This will create the optimum conditions in Europe and ensure cultural and creative industries can deliver their full potential in cultural, economic and social terms.

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● INTRODUCTION ●

Culture and creativity surround Europe's citizens, both stimulating and inspiring them and driving an innovative Europe. The Lisbon Strategy recognised this, putting the cultural and creative industries at the centre of Europe becoming "the most competitive and dynamic knowledge-based economy in the world capable of sustaining economic growth with more and better jobs and greater social cohesion".

According to the 2006 EC study on the economy of culture in Europe, the cultural and creative sector:

- Employed nearly 6 million people in 2004,
- Had a turnover of €654 billion,
- Contributed to 2.6% of EU GDP.

Culture is an essential asset for Europe's future and will continue to be so after the Lisbon strategy.

Of all the actors of the cultural sector, 99% are micro, small and medium sized enterprises (SMEs) - recognised by the EU as "drivers of growth, job creation and innovation". Cultural and creative industries, especially SMEs, are risk takers, investing in new talents and new aesthetics, fostering creativity and innovation as well as ensuring cultural diversity and choice for consumers.

These actors are laboratories for artistic, managerial and technical innovation. Moreover, they allow a wider circulation of artists and works at EU and international level and improve both intercultural dialogue and social cohesion. The image of a dynamic, creative and modern Europe depends upon the success of its cultural and creative industries, participating in the renewal of national and local economies and territories.

Today, these industries are facing revolutionary change. The evolution of production, distribution, consumption behaviour and access to culture has accelerated the mutation of the cultural industries which now have to be even more creative as driving forces of the cultural economy. The growth of the digital economy is a huge opportunity for cultural and creative industries but there are obstacles that hinder their development potential and ability to remain competitive at a global level in the online environment.

Market access for all cultural actors, financial investment, promotion of cultural goods as well as research and development remain challenging issues. Cultural and creative industries also need a clear regulatory framework concerning issues like piracy which cause uncertainties for the development of a real digital market.

Cultural and creative industries cannot find a place in the classical scheme of subsidies but require support measures and incentive mechanisms adapted to their needs, in the form of an action plan for cultural industries. According to the KEA study on *The Impact of Culture on Creativity*, "innovation is given a rather limited definition as it essentially relates to technological and scientific development. The EU has invested 147 billion Euros (2007-2013) to stimulate R&D and stimulate ICT. Such innovation policy largely ignores the value of culture-based creativity. We estimate that the EU will spend less than 3 billion Euros (2007-2013) on culture-based creativity. Is the EU missing something in its quest for a more inclusive and more innovative society?".

Looking beyond the Lisbon strategy, cultural and creative industries and in particular SMEs from all over Europe demand that these recommendations be used in a new long-term coordinated strategy. EU support is more necessary than ever as Europe continues to evolve into a knowledge-based economy depending more and more on creativity-based ventures. It is essential to invest in cultural and creative industries and in particular SMEs. Such investment would support economic growth as well as create employment at a time of extreme economic uncertainty. Securing the safety of our economic future depends heavily on making the right decisions now.

Platform on Potential of Cultural and Creative Industries

These recommendations come from Europe's cultural and creative industries, speaking with one voice, showing how the potential of our cultural and creative industries can be unlocked as part of a new global strategy for Europe.

In the European Council conclusions of December 2007 and in the Council conclusions of the 27 Ministers for Culture of May 2007.

In the European Council conclusions of March 2007.

● PRINCIPLES ●

I. RECOGNISE THE SPECIFICITIES OF CULTURAL INDUSTRIES AND IN PARTICULAR SMEs

Cultural goods and services are not like other goods and services and should not be treated as such.

II. PROTECT INTELLECTUAL PROPERTY RIGHTS

The best level of protection of intellectual property rights (IPR) anywhere in the world must be guaranteed. IPR play a legitimate part in the market as authors' rights (including moral rights) and neighbouring rights enable creativity.

III. IMPROVE MARKET ACCESS

Market access must be ensured for all cultural and creative actors regardless of their size to guarantee pluralism and a real economy of diversity.

IV. FACILITATE ACCESS TO FINANCE

Investment in culture must be encouraged and facilitated through preferential treatment in order to ensure financial viability of the cultural and creative industries, notably the financial independence of SMEs.

V. ENHANCE WORKING CONDITIONS

The working conditions of authors, artists and cultural entrepreneurs must be improved as artistic practice is a key element of a larger system that creates public value in cultural, economic and social terms.

VI. PROMOTE THE CIRCULATION OF ARTISTS AND WORKS

The circulation of artists, works and productions across Europe must be facilitated as it is fundamental for cultural exchange and diversity.

VII. DEVELOP INTERNATIONAL PROMOTION AND EXCHANGE

The presence of artists and cultural professionals in key international markets must be maintained through the establishment of specific schemes and the facilitation of exchanges with third countries.

VIII. STIMULATE EDUCATION AND TRAINING

Education and training related to the activities and management of cultural and creative industries must be fostered to adapt to the constant evolution of the sector and the new business models.

● **RECOMMENDATIONS** ●

I. RECOGNISE THE SPECIFICITIES OF CULTURAL INDUSTRIES AND IN PARTICULAR SMEs

Cultural goods and services are not like other goods and services and should not be treated as such.

- Ensure the effective implementation of the article 151.4 of the EC Treaty including the SME dimension, through the mainstreaming of culture in all Community policies, particularly in competition, internal market, information society, social, trade and industry policies.
- Make sure that the European Commission maintains its “no commitment” position regarding cultural services and audiovisual services under GATS as well as in bilateral trade negotiations.
- Ensure the implementation of the 2005 UNESCO Convention on cultural diversity and of WIPO Treaties on authors’ and neighbouring rights at all levels.
- Shape a favourable regulatory environment for cultural SMEs in line with the Small Business Act for Europe and target a specific status for cultural SMEs.
- Generate better statistics (data and figures) on the importance of growth activities, production and performance of cultural and creative industries in Europe as well as statistics specific to the sector.

II. PROTECT INTELLECTUAL PROPERTY RIGHTS

The best level of protection of intellectual property rights (IPR) anywhere in the world must be guaranteed. IPR play a legitimate part in the market as authors’ rights (including moral rights) and neighbouring rights enable creativity.

- Make sure that all rightholders benefit from the revenues of each exploitation of their works, including online.
- Promote the right of rightholders to a fair private copying compensation.
- Encourage fair and equitable agreements engaging ISPs’, telecom operators’ and search engines’ cooperation in resolving illegal digital uses, in order to enable the rolling-out of legal services.
- Support cultural and creative industries and in particular SMEs to adapt to the digital shift in proposing new online services promoting author’s rights and neighbouring rights.
- Ensure that respect and enforcement of IPR is a condition in signing bilateral agreements with third countries.
- Ensure a favourable regulatory environment allowing collective management societies for copyright and related rights, whose role is essential for right-holders and the creative industries, to carry out their activities effectively, ensuring legal security for right-holders and users alike.

III. IMPROVE MARKET ACCESS

Market access must be ensured for all cultural and creative actors regardless of their size to guarantee pluralism and a real economy of diversity.

- Adapt competition rules to the specificities of the cultural sector to avoid excessive market concentration in order to guarantee cultural diversity, consumer choice and diversity of entrepreneurship.
- Make sure that all cultural players have a minimum access to all distribution channels, including the opportunities of the online market in order to offer real cultural diversity and choice for consumers.
- Take regulatory measures to ensure a level playing field in the cultural sector so as to counter chronic concentration and allow cultural and creative SMEs to compete on their own merits in order to deliver their full contribution to growth, job creation and innovation.

IV. FACILITATE ACCESS TO FINANCE

Investment in culture must be encouraged and facilitated by preferential treatment to ensure financial viability of the cultural and creative industries, notably the financial independence of SMEs.

- Create a fiscal environment to support the development of the cultural and creative industries, in particular SMEs, with tax credits and fiscal exemptions, as well as solutions for the issues of withholding tax and double taxation.
- Provide reduced VAT rates for cultural products and services, both online and offline.
- Develop financial tools adapted to the needs of cultural and creative industries such as public/private loan guarantee schemes, cultural and creative SME- friendly growth loan finance etc.
- Re-model the European Investment Bank operational schemes in order to better respond to the specificities of cultural and creative SMEs and to provide them with necessary finance. Establish a European Creative Industries Bank to help cultural and creative industries to invest in new talents.
- Increase EC investment for culture, including the creation of a specific programme for cultural and creative industries and in particular SMEs, for creation, production, promotion and distribution.
- Develop the use of state aids for cultural and creative SMEs amongst the member states as with the audiovisual sector.

V. ENHANCE WORKING CONDITIONS

The working conditions of authors, artists and cultural entrepreneurs must be improved as artistic practice is a key element of a larger system that creates public value in cultural, economic and social terms.

- Public policy must take into account the particular employment of people working in the cultural and creative industries, in order to ensure good working conditions and social partners should be involved to this end.

- Develop a better working environment and social protection adapted to conditions of employment for artists and authors concerning short term contracts, visa issues, social security position and work permits for third country nationals.
- Reduce the administrative burden for cultural and creative SMEs through cutting red tape related to working conditions and supplying services to facilitate mobility in Europe.
- Ensure effective cooperation between national administrations to facilitate operations which have to deal with different legal systems (mobility - export of live performances).
- Make sure that the EC takes into account the special needs of cultural SMEs in its policies through specific consultations and working groups during the legislative process that promote awareness and respect for authors and artists.
- Promote artistic creation and entrepreneurship at both a European and Member State level to reflect the added value that artists, authors and cultural entrepreneurs can bring to society as a whole.

VI. PROMOTE THE CIRCULATION OF ARTISTS AND WORKS

The circulation of artists, works and productions across Europe must be facilitated as it is fundamental for cultural exchange and diversity.

- Support live performances by establishing mechanisms in the form of small investments to ease the risk factor taken by artists when touring, to encourage wider circulation and to trigger investment.
- Promote co-production in music, theatre, dance and between the live performance sector and other cultural and creative industry sectors and other sectors in the cultural and creative industry.
- Increase support for the translation of works with more EU funding available for lesser spoken languages, translations from and into non European languages, for different genres of publications and for the translation of short excerpts to present at European/International trade fairs.
- Promote and support co-edition programmes for book publishers.
- Increase European programming in venues and festivals by giving incentives through a bonus system.
- Improve and internationalise cross-residence schemes for performers, authors, and cultural entrepreneurs to facilitate exchanges of production, creation, diffusion and talent development within and outside of Europe.
- Facilitate structural interventions through the European Regional Development Funds to address the East-West imbalance, especially for infrastructure.
- Provide tailored information to mobile professionals, artists, and organizations in order to facilitate circulation within Europe, such as information on European and key international markets as well as on the fiscal, legal and social environment, notably by setting up mobility contact centres.

VII. DEVELOP INTERNATIONAL PROMOTION AND EXCHANGE

The presence of artists and cultural and creative industries, especially SMEs, in key international markets must be maintained through the establishment of specific schemes and the facilitation of import and exchange with third countries

- Develop programmes for circulation (co-edition, co-production, cross-residence schemes, support to live performances, etc) outside of Europe.
- Set up a network of ‘European cultural industries agencies’ in key international markets outside of Europe and to represent all the cultural and creative sectors.
- Organise a joint European presence at international trade fairs to give all Member States the chance to participate in key market events.
- Facilitate artistic exchanges and share know-how with third countries and Europe to stimulate cultural diversity by importing non-European culture as well as exporting European culture.

VIII. STIMULATE EDUCATION AND TRAINING

Education and training related to the activities and management of cultural and creative industries must be fostered to adapt to the constant evolution of the sector and the new business models.

- Bridge the gap between professional training and professional practice through training programmes linked to cultural and creative SMEs and other organisations in the private or public sector, mentoring schemes and work placements as well as through business, IP law and management courses for better entrepreneurial and administration skills.
- Increase understanding of and interest in the work and products of cultural and creative SMEs and promote entrepreneurship by fostering artistic and cultural education in general (primary and secondary) education, which will at the same time support the development of creativity as well as ‘cultural expression and awareness’, one of the key competences for lifelong learning.
- Develop EU support for European-level careers of recently graduated professionals through existing programmes, new mobility grants or grants to companies employing junior professionals.
- Increase employability by providing opportunities for continuing professional development and training in the workplace and increase the recognition of qualifications for professionals moving to another EU country.

The Cultural Industries Stakeholders’ Platform calls upon the EC directorate of Education and Culture to take the lead in the implementation of these recommendations through the establishment of an action plan that aims to firmly support the cultural and creative industries and in particular SMEs, together with the EU Member States and the European Parliament. The EC should particularly consider the creation of a specific programme focusing on cultural and creative SMEs to support the creation, production, distribution and promotion of cultural artists, services and products.

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http://www.wipo.int/ip-development/en/creative_industry/bibliography.html

● **EXAMPLES** ●

III. IMPROVE MARKET ACCESS

> The SODEC (Société de développement des entreprises culturelles) is an example of a national policy ensuring market access for cultural and creative industries.

The Quebec Ministry of Culture created the SODEC in 1995 to promote and support cultural enterprises. The organisation's aim is to develop the quality of cultural products and services, and ensure their competitiveness through better access to local, national and international markets. SODEC provides financial aid (loans or subsidies) to cultural enterprises for development, promotion and diffusion allowing cultural industries from different fields to have a minimum access to all distribution channels. SODEC also developed a specific scheme to adapt to the digital shift. Public funds are available to enable companies to invest in new technologies thus facilitating access to the digital market.

http://www.sodec.gouv.qc.ca/outils_aidefinanciere.php

IV. FACILITATE THE ACCESS TO FINANCE

> There are examples of fiscal measure that could be implemented at national level to support cultural and creative SMEs:

The French Ministry of Culture has underlined its commitment to support the national cultural industries through introducing a series of tax-credit initiatives for creative industries. The film and video game industry in France was already benefiting from tax breaks and the French Ministry of Culture approved plans to apply similar levels of financial support to the music industry at the end of 2006. The French initiative was the first of its kind in Europe. Under the latest legislation in 2008, music companies receive tax breaks of 20% on production and salary costs with a maximum limit of €700,000 (previously 500,000€) per company, per year. This amount was brought up to 1.1m€ under the condition that the number of productions eligible for the tax credit increased by 25% from one year to the next. This means that not only can the costs incurred as part of a new production be eligible, but also any costs linked to the permanent staff dedicated to discovering new talent. An exhaustive list of jobs/positions that are covered is available. The scheme of the French tax credit has been approved by the European Commission, giving hope that similar measures could be introduced across the EU.

http://crd.irma.asso.fr/article.php?id_article=114

A similar tax credit initiative exists in Canada. The Quebec Ministry of Culture introduced this fiscal measure to ensure the viability of the cultural and creative industries. The tax credit includes staffing costs incurred as part of the creation and production of works in the fields of music, audiovisual, cinema, live performance and books.

http://www.sodec.gouv.qc.ca/outils_mesures.php

> There are examples of financial tools established at national level that should be disseminated amongst other member states:

IFCIC (Institut pour le Financement du Cinéma et des Industries Culturelles)

IFCIC is a specialised lending institution that was charged by both the French Ministry of Culture and Communication and the French Ministry of Finance with contributing to the development of the cultural industry in France by making it easier for companies within the sector to obtain bank financing. IFCIC is a neutral and independent institution and is a limited private-sector company entrusted with a service of general interest. Its capital is owned by French banks, large public financial institutions, and the French State

The loans guaranteed by IFCIC cover most of the needs of companies, at all stages of their development. The banks that work with IFCIC are not only given financial guarantees in the event that companies should fail, but also risk analyses that are specific to the cultural industries. IFCIC also helps entrepreneurial companies to get financial backing for projects from their banks (IFCIC typically guarantees 50% of the loans obtained); and also offers its own financial expertise.

<http://www.ifcic.fr/english-version.html>

Cultuurinvest

Since the end of 2006, an investment fund for culture related activities and companies has provided capital for culture in Flanders. CultuurInvest's ultimate objective is to consolidate the cultural industries. CultuurInvest is an investment fund, not a subsidising fund, and therefore requires a payback and financial return on the initial investment. Cultuurinvest invites companies from a variety of cultural sectors, including the music and audio-visual sectors, to apply for investment. CultuurInvest currently has €21.5 million at its disposal which it aims to invest in the building blocks for culture, via loans and participations in company capital. Having gained approval from the European Commission who agreed that the fund was not conducive to unlawful competition, the Fund's investment committees have already approved 21 applications and invested more than €2.5million euros in cultural industries in Flanders.

Useful link (in Dutch):

<http://www.pmvlaanderen.be/pmv/view/nl/KMO/Producten/Cultuurinvest>

VI. PROMOTE THE CIRCULATION OF ARTISTS AND WORKS

> Examples of support mechanisms to live performances:

- European Tour Support

The EU funded pilot project European Tour Support gave financial support representing 10% of the budget of a tour. This incited record labels, tour promoters, festival organisers and other music professionals to invest more in touring at the European level

- The Danceweb Europe scholarship programme

It enables young dancers to take a five week residency at the Impuls Dance festival. Cultural ministries from all European countries are investing in the program giving a grant which allows for young dancers to take part.

- European Talent Exchange Programme

It stimulates the circulation of European artists performing live at European festivals by giving a grant of €1.500 to festivals who program European acts.

- Europa Cinema

This programme increases European programming in film theatres by giving bonuses to venues on the number of screenings of European non-national films.

> Examples of support programmes for co-production:

- Europalia

- Cinema-Opera

It combines theatre, video and music, whereby co-producers enabled artistic creation between different forms of art and allowing for production touring across Europe

> Examples of support programmes for the translation of works:

- The French National Book Center (CNL)

It provides some funds for the translation of French works into foreign languages and is granted via French publishers selling the rights.

- The Franco-German history textbook *'Histoire-Geschichte'*

Published by Editions Nathan in Paris, and Ernst Klett in Leipzig, it marks a step in the work of deepening relations between the two countries particularly in the specific construction of an everyday Europe.

- European Theatre Convention / TRAMES (translation & mettre en scène).

The goal of the project is to discover and promote a new play and its playwright by a thorough examination of a text in a residence/workshop. The text is translated into at least 3 different European languages and staged in the presence of the translators and the playwright.

> Examples of cross-residence schemes:

- RE: NEW MUSIC

This project established a repertoire pool, from which ensembles have been built. Up to 352 new pieces of music are to be shared over 24 months. It aims to directly support the artistic process in terms of rehearsals, workshops and residencies for composers.

- European Theatre Convention

It offers all technical, administrative and artistic personnel from member theatres the opportunity to exchange know-how and techniques in another European country in an ETC-theatre during a one-month period residency. After approval between the two member theatres, an ETC grant is allocated to support per diems, travel and accommodation costs.

- The 'Akademie des Deutschen Buchhandels' in Germany

It is a non-profit organisation which offers training courses and seminars and organises special events linked to the book sector (www.buchakademie.de). They also welcome writers.

> Example of information scheme for artists and culture professionals:

- Export handbooks and directories

The music and architecture sectors have compiled information on markets and main cultural actors into Export Handbooks, a useful sector specific tool for artists and professionals. Also, the performing arts sector has directories which are updated annually and focus on Europe, America and Asia

VII. DEVELOP INTERNATIONAL PROMOTION AND EXCHANGE

> Examples of structures and mechanisms for international promotion

- **AFEX** (French Architects Overseas)

Founded in 1996 with support from the Ministry for Culture and Communications, AFEX is a private initiative, where architects, together with engineers, urban planners, landscape architects, interior designers, surveyors and industrialists, pool their experience to promote French know-how throughout the world. AFEX provides documentation and assistance, orienting the public towards the top specialists on the international market; organises the promotion of its members know-how by supporting their participation in various events abroad (prospecting, symposiums, international fairs, exhibits); works in collaboration with the French Centre for Foreign Trade and the 163 Economic Expansion Posts in 127 countries for the analysis of international markets and for gathering information; organises the flow of information and the sharing of experience within its own network through work groups, a monthly newsletter, a restricted access e-mail mailing list; gets its members together for the AFEX-Café, a information meeting which take place every two months; involves a network of institutional and private partners concerned by export; represents the profession in its international dimension with respect to various public and professional proceedings as well as training organisations; deals with outside communication (definition of guidelines for all communication media, publication of a directory, press relations).

www.archi.fr/AFEX

- **European music export office in the US**

The European music export office in the US office facilitated the access to the American market for European professionals. The project started in December 2003 and has achieved promising results. The New York office produced a US Export Handbook with a list of contacts of American music professionals which is constantly updated. The US office also ran activities of assistance and consultation to European professionals, notably in terms of promotion, distribution and monitoring on the US music market. It also organised the presence of European artists and professionals to American music events. The project ran until 2006.

- **EFP- European Film Promotion**

It is a PanEuropean umbrella organization that represents national European film export institutions to promote and market European cinema and the talent behind it all over the world. Actors, producers, directors, distributors and films that have achieved national recognition are presented with EFP at major global A-film festivals and are embedded in a wide range of promotion activities (producing common promotion material for joint promotional campaign, providing common European stand in fairs, providing access to foreign markets and establishing contacts etc.) to meet the international film industry and its market key players in order to support existing and new European film productions as well as its talents. EFP was founded in 1997 and receives funding through the MEDIA programme.

- **The BIEF Bureau International de l'Édition Française**

It is an organisation devoted to the promotion of French books abroad. Via the BIEF's New York office, The French Publishers' Agency, it provides the services of a rights agency for English-speaking countries and it promotes French publishing.

In 2005-2006 a project co-financed by the Culture programme, aimed at facilitating the establishment of common stands at international book fairs was coordinated by the BIEF.

VIII. STIMULATE EDUCATION AND TRAINING

> The reform of study programmes in higher arts education institutions should be based on a different philosophy of training: from teacher-led approaches with a narrow understanding of the profession to student-based

approaches taking into account the actual reality of the profession, in which professionals are increasingly asked to engage in different professional tasks (“portfolio career”), often in a self-employed context. The idea is for training programmes is to focus more on entrepreneurship and to create a lifelong learning mentality using mentoring schemes and work placements and keeping a constant contact with the latest developments in the profession. Such a lifelong learning mentality will also enable graduates to continue their learning after having graduated and having faced constant changes in the profession (*Study on Recent Developments in the Music Profession*, ERASMUS Network for Music ‘Polifonia’/AEC 2008 – www.polifonia-tn.org/profession).

> There is evidence that artists very rarely go back into learning situations after they have finished their professional training. In a constantly changing profession, it is essential for artists to keep their knowledge and skills up-to-date. Examples of good practice should be exchanged on existing containing professional development schemes for artists in the various European countries (Final Report European project on the professional integration in music ‘Promuse’, AEC 2001 – www.aecinfo.org/promuse).

> In discussions about promoting mobility in the cultural sector at a European level, the lack of recognition of qualifications is often forgotten as another obstacle for the mobility of artists. As the professional practice increasingly includes teaching as part of their diverse “port-folio” career, it is essential that the recognition of qualifications is added to the points that need further investigation and that the existing information on this issue is compiled and disseminated in a structured and accessible format (Report *The International Recognition of Qualifications in the Field of Music*, ERASMUS MUNDUS Project ‘Mundus Musicalis’/AEC 2008 – www.aecinfo.org/mundusmusicalis).

● **WORKING GROUP CONTRIBUTIONS** ●

Recommendations of Working Group 1 on the Regulatory Environment

The mandate of the cultural industries platform is to adopt recommendations that would help to unlock the potential of the cultural and creative industries in Europe. Within this, the mandate of Working Group 1 is to make recommendations regarding the regulatory environment.

The overall mission of this working group is to give input to improve the current European regulatory environment in order to provide cultural actors with the tools they need to deliver their full potential in cultural, economic and social terms.

1. Recognise the specificities of cultural and creative industries. Cultural goods and services are not like other goods and services and cannot be treated as such. Recognition includes:

- Effective implementation of the article 151.4 of the EC Treaty to ensure the mainstreaming of culture in all Community policies, particularly by taking account of these specific characteristics in competition, internal market, information society, social, trade and industry policies.
- Concrete implementation of the UNESCO Convention on cultural diversity and of WIPO Treaties on authors' and neighbouring rights at all levels.
- Making sure that the European Commission maintains its no commitment position regarding cultural services and audiovisual services under GATS as well as in bilateral trade negotiations¹.

2. Ensure the best level of protection of intellectual property rights (IPR), including moral rights, as they play a legitimate part in the market and as authors' rights and neighbouring rights are an enabler of creativity by:

- Making sure that all rightholders benefit from the revenues of each exploitation of their works, including online, meaning a fair share for all stakeholders.
- Promoting the right of rightholders to a fair private copying compensation.
- Encouraging agreements engaging ISPs', telecom operators' and search engines' cooperation in resolving illegal digital uses, in order to enable the rolling-out of legal services.
- Ensuring that respect and enforcement of IPR is a condition in signing bilateral agreements with third countries.
- Underlining the importance of adequate rights clearance schemes for the development of new services.
- Promoting authors' rights and neighbouring rights as a driver of the cultural and creative industries, in particular in the context of the development of new online services.

3. Improve market access for all cultural and creative industries regardless of their size by:

- Adapting competition rules, taking into account the specificities of the cultural sector, in order to guarantee cultural diversity, consumer choice, economic diversity of entrepreneurship and to avoid excessive market concentration.
- Reminding the Commission that European cultural and creative industries have to compete with non-European playersⁱⁱ.
- Taking regulatory measures, and ensure implementation thereof, adapted to the needs of the cultural industries and all cultural actors, particularly small actors so as to support their contribution to growth, job creation and innovationⁱⁱⁱ.
- Ensuring market access for all cultural players in the online market.

4. Ensure financial viability of the cultural and creative industries by:

- Creating a fiscal environment to support the development of the cultural and creative actors with, more tax credits for all cultural sectors and tax benefits (e.g. withholding taxes, lower income tax, better social security, abolishment of double taxation and double payment of social security contributions, etc).
- Providing reduced VAT rates for cultural products and services, both online and offline^{iv}.
- Developing financial tools better adapted to the needs of cultural and creative industries such as public/private loan guarantee schemes, cultural and creative SME-friendly growth loan finance, notably through the European Investment Bank.
- Ensuring the European legal framework does not hinder cultural and creative industries from having successful self-sustaining business models^v.
- Providing 1.5 billion euro per annum in EC investment for culture, including the creation of new cultural programmes for cultural and creative industries, corresponding to the contribution of the culture sector to the European economy^{vi}.

5. Recognize the importance of a regulatory framework allowing collective management organisations administering the rights of authors, performers, producers and publishers, whose role is essential for right-holders and the creative industries, to carry out their activities effectively in a favorable regulatory environment ensuring legal security for right-holders and users alike

6. In order to create a political and economic profile of the creative sector, as well as to ensure coherence and transparency, provide better statistics on market figures and creative practices: growth activities, production and performance of cultural and creative industries.

ⁱ Namely, as stated in the Commission staff working document “Media pluralism in the Member States of the European Union”, SEC(2007) 32

ⁱⁱⁱ As highlighted in the Small Business Act for Europe adopted by the Commission on the 25th of June 2008

^v Freedom of expression and creation has to be guaranteed in an increasingly competitive environment. Ensuring all forms of financing content including commercial and marketing communication is fundamental.

^{vi} Impala's "action plan": Culture contributes 2.6% of the EU's GDP but currently receives less than 0.05% of the EU's budget (862.3 billion euro from 2007 to 2013, of which 400 million euro for cultural programmes which do not even support the industry). This is not a balanced investment in culture. For 2008 the total EU budget is 129.1bn euro, of which 58bn will be spent on competitiveness, the knowledge based economy and social cohesion. 2.6% of that budget would be 1,5bn euro per annum.

LIST OF PARTICIPANTS OF WORKING GROUP 1 (in alphabetical order)

Leader - EFCA - European Film Companies Alliance

AEPO-ARTIS - Association of European Performers' Organisations
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AMC - Europe Alliance Mondial du Cinéma

EBU - European Broadcasting Union

EFCA - European Film Companies Alliance

EMC - European Music Council

ENPA - European Newspaper Publishers' Association

EWC - The European Writers' Congress

FAEP - European Federation of Magazine Publishers

FIA - International Federation of Actors
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FEP - Federation of European Publishers

FERA - Federation of European Film Directors
--

GESAC - European Grouping of Societies of Authors and Composers

Impala - Independent Music Companies Association
--

Pearle * - Performing Arts Employers Associations League Europe

UNI-MEI - UNI Media, Entertainment & Arts

Recommendations of Working Group 2 on SMEs

The mandate of the cultural industries platform is to adopt recommendations that would help to unlock the potential of the European cultural and creative industries in Europeⁱ. The overall objective of this Working Group is to make recommendations in order to create the best conditions anywhere in the world ensuring that cultural and creative SMEsⁱⁱ have the support they need to deliver their full potential in cultural, economic and social terms as key contributors to the Lisbon strategy. The recommendations also take into account the key 10 points of the Declaration agreed at the European Independence Arena organised as part of the French Presidencyⁱⁱⁱ:

1. Endorse what the EC has already recognised regarding SMEs

- The key contribution of cultural and creative SMEs to the achievement of the Lisbon strategy^{iv}.
- The particular role of cultural and creative SMEs as drivers of growth, job creation and innovation in Europe^v.
- The need for specific support measures to maximise the potential of cultural and creative SMEs so as to help them to deliver their full contribution to the Lisbon Agenda^{vi}.
- The definition of cultural and creative SMEs is based on the inclusive approach of the EC study on the Economy of Culture in Europe^{vii}, which includes a sector ranging notably from record companies and publishing houses to live performance organisations, theatre groups and symphony orchestras^{viii}.

2. Recognise the specificities of cultural and creative SMEs through a specific status

- Legislate for SMEs first as they are the main players of the culture sector given that they represent 99% of the actors of the cultural sector, produce the vast majority of the creation (80% of new release in music for example) and create 80% of the jobs in Europe^{ix}.
- Make preferential terms for cultural and creative SMEs a commercial and regulatory reality and create a system of positive discrimination to ensure the dissemination of works in all distribution channels and in all territories^x.
- Include the SME dimension when implementing article 151.4 of the EC Treaty to ensure effective mainstreaming of culture in key EC policies such as competition, internal market, information society, industry, social and home affairs.
- Make sure that the EC implements the UNESCO Convention at all levels and maintains its no commitment position regarding cultural and audiovisual services under GATS as well as in bilateral trade negotiations.
- Generate better statistics (data and figures) on the importance of cultural and creative SMEs in Europe as well as sector specific statistics^{xii}.

3. Improve the working conditions for cultural and creative SMEs in particular in the light of the Small Business Act

- Develop a work environment better adapted to the operations of cultural and creative SMEs concerning the specificities of employment (short term contracts-visa issue) and the status of artists (social security position and work permit for third country nationals)^{xii}.
- Reduce the administrative burden for cultural and creative SMEs through cutting red tape related to working conditions and supplying services in Europe.
- Ensure effective cooperation between national administrations to facilitate the operations of cultural and creative SMEs which have to deal with different legal systems (mobility - export of live performances)^{xiii}.
- Make sure that the EC takes into account the special needs of cultural and creative SMEs in its policies through for example, specific consultations and working groups during the legislative process.

4. Create the best level of intellectual property rights protection for all European creators

- Make sure that all rightholders benefit from their revenues, in particular through a balanced approach to copyright term protection and the clarification of the complex situation of rights for live performance^{xiv}.
- Find a fair and equitable solution against piracy, involving ISP and telecom operators' cooperation to ensure proper remuneration of creators and the rightholders.
- Support cultural and creative SMEs to adapt to the digital shift in proposing legal offers and new services in the digital world.

5. Guarantee market access for cultural and creative SMEs to ensure pluralism and a real economy of diversity

- Adapt competition rules to the specificities of the cultural sector, prioritising cultural diversity, consumer choice and diversity of entrepreneurship.
- Ensure a level playing field on the cultural sector to allow cultural and creative SMEs to compete on their own merits and counter chronic concentration.
- Make sure that all actors, regardless of their size, have minimum access to all distribution channels, including the opportunities of the digital market in order to offer real cultural diversity and consumer choice.

6. Improve access to finance for viability and independence of cultural and creative SMEs

- Apply reduced VAT rates for cultural products and services in both physical and online markets.
- Create a fiscal environment that supports the activities of cultural and creative SMEs, with tax benefits and fiscal exemptions^{xv}.

- Develop financial tools adapted to the needs of cultural and creative SMEs, such as public/private loan guarantee schemes and SME friendly growth loan finance^{xvi}.
- Provide 1.5 bn euros per annum in EC investment for culture corresponding to the contribution of the culture sector to the European economy^{xvii}. Give cultural and creative industries a specific programme which supports SMEs, in particular for creation, production, promotion and distribution.
- Improve EU support funding to match the needs of cultural and creative SMEs (structural funds, the 7th framework programme, regional policy initiatives and programmes for local industries) and develop grants supporting artist mobility.
- Develop the use of state aids for cultural and creative SMEs amongst the member states in other sectors than cinema^{xviii}.

7. Improve education and training related to the activities and management of cultural and creative SMEs

- Bridge the gap between professional training and professional practice by supporting robust professional training programmes that have strong links with SMEs through mentoring schemes and work placements, and offer business and management courses to acquire better entrepreneurial skills^{xix}.
- Increase understanding of and interest in the work and products of cultural and creative SMEs and promote entrepreneurship by fostering artistic and cultural education in general (primary and secondary) education, which will at the same time support the development of key competence ‘cultural expression and awareness’, one of the key competences for lifelong learning^{xx}.
- Increase employability through providing opportunities for continuing professional development and training in the workplace and increase the recognition of qualifications for professionals moving to another EU country^{xxi}.
- Develop EU support to the development of European-level careers of recently graduated professionals through existing programmes, new mobility grants or grants to companies employing junior professionals^{xxii}.

8. Improve the general image of the cultural and creative sector

- Promote the role of the cultural and creative sector as a driver of creativity and innovation ensuring cultural diversity and choice for consumers in Europe, as well as wider creativity in society.
- Improve the general image of copyright in Europe by promoting it as an essential tool for unlocking creativity and innovation providing fair and equitable remuneration for creators and artists.
- Promote both entrepreneurship and diversity of entrepreneurship as a public value that fosters creativity and innovation in the cultural and creative sector.

ⁱ In this regard, the Declaration of the European Independence Arena adopted on the 24th October by representatives of independents from the sectors of literature, music and cinema, is an important step in recognising the essential role of micro, small and medium sized cultural enterprises. The declaration puts forward 10 concrete recommendations that need to be implemented at EU and national level.

<http://www.impalosite.org/>

ii SME's include profit and non-profit organisations

iii See footnote 1 above and full text in annex.

iv European Council conclusions of December 2007.

v European Council conclusions of March 2007. In addition, the Small Business Act for Europe adopted by the Commission on the 25th of June 2008 also underlined that SMEs produce over 80% of Europe's jobs.

vi European Council conclusions of December 2007 and Culture Council conclusions of May 2008 on the Work Plan for the implementation of the European Agenda for Culture 2008 - 2010.

vii The EC study on the Economy of Culture in Europe published in November 2006 underlines the key role of culture to the Lisbon strategy with a contribution of the cultural sector estimated to 2.6% of the EU GDP and with a growth higher than the growth of the European economy in general.

viii The scope of the EC study on the Economy of culture includes:

The "*cultural sector*"

- Non-industrial sectors producing non-reproducible goods and services aimed at being "consumed" on the spot (a concert, an art fair, an exhibition). These are the arts field (visual arts including paintings, sculpture, craft, photography; the arts and antique markets; performing arts including opera, orchestra, theatre, dance, circus; and heritage including museums, heritage sites, archaeological sites, libraries and archives).

- Industrial sectors producing cultural products aimed at mass reproduction, mass-dissemination and exports (for example, a book, a film, a sound recording). These are "cultural industries" including film and video, video games, broadcasting, music, book and press publishing.

The "*creative sector*"

In the "*creative sector*", culture becomes a "*creative*" input in the production of non-cultural goods. It includes activities such as design (fashion design, interior design, and product design), architecture, and advertising. Creativity is understood in the study as the use of cultural resources as an intermediate consumption in the production process of non-cultural sectors, and thereby as a source of innovation.

ix The Small Business Act for Europe adopted by the Commission on the 25th of June 2008 underlined that SMEs produce over 80% of Europe's jobs.

x More state aid for cultural and creative SMEs and better conditions at retail (currently most SMEs get worse terms than the bigger players) could be examples of preferential terms. Another example is the exception for SMEs included in the EC copyright term extension proposal.

xi This should be a specific priority for the EC's own statistics office but the EC could also make better use of the existing data on culture provided by the Council of Europe.

xii The study on "Economy of culture in Europe" by KEA European Affairs, reveals data on the employment status in the cultural sector and describes some trends in the labour market:

- the share of independent (self-employed) workers is more than twice as high in the cultural sector as in total employment; the cultural content worker is suddenly also a (cultural) entrepreneur.
- cultural employment by job stability: permanent versus temporary workers: 17% of workers are under temporary contracts in the cultural sector compared with 13,3% in total employment:: the amount of temporary work is characteristic of the cultural workforce, but the situation is disparate amongst countries
- cultural employment by work duration: the share of part-time workers is higher in the cultural sector than in total employment i.e. one out of four (25%), compared to 17,6% in total employment

- cultural employment by side-job: the share of workers with side-jobs is much higher in the cultural sector than in total employment; i.e. 6,6% compared with 3,7% in total employment

The study identified as a main feature that “cultural employment is of an ‘atypical’ nature being a foreshadowing of tomorrow’s job market more flexible, project led requiring mobility and high qualifications”. Being set as an exemplary sector for others, it is noted that flexible labour law should go together with job protection legislation.

^{xiii} An effective implementation of the posting of workers Directive (Dir 96/71/EC), through implementing the Recommendation of the Commission on enhanced administrative cooperation of 3rd April 2008. A fast implementation of the announced electronic exchange of information, in the Regulation on the coordination of social security schemes (883/2004), respecting the proposed calendar, i.e. 2009 to be the year of preparation of the applicability of the new Regulation, and 2010 to be the year of transition.

^{xiv} For example, the issue of copyright term extension is currently being considered at the European level through an EC proposal which tends to match the term of copyright protection for performers and producers to the protection offered in the USA - 95 years. It is vital that Europe’s creators benefit from the best terms anywhere in the world.

^{xvi} There are national examples that need to be disseminated amongst other member states like the music tax credits and wealth exemptions for SMEs in France, the music tax credits for SMEs in Italy and the UK tax shelter.

There are national initiatives that need to be disseminated amongst other member states, for example:

- IFCIC for cultural industries in France

IFCIC is a specialised lending institution that was charged by both the French Ministry of Culture and Communication and the French Ministry of Finance with contributing to the development of the culture industry in France by making it easier for sector companies to obtain bank financing. IFCIC is a neutral and independent institution and is a private-sector limited company entrusted with a service of general interest. Its capital is owned by French banks, large public financial institutions, and the French State. The loans guaranteed by IFCIC cover most of the needs of companies, at all stages of their development. The banks that work with IFCIC are given not only financial guarantees in the event that companies should fail, but also risk analyses that are specific to the cultural industries. IFCIC also helps entrepreneurial companies to get financial backing for projects from their banks (IFCIC typically guarantees 50% of the loans obtained); and also offers its own financial expertise.

<http://www.ifcic.fr/english-version.html>

- Flemish cultural investment fund in Belgium.

Since the end of 2006, an investment fund for culture related activities and companies has provided capital for culture in Flanders. CultuurInvest’s ultimate objective is to consolidate the cultural industries. CultuurInvest is an investment fund, not a subsidising fund, and therefore requires a payback and financial return on the initial investment. Cultuurinvest invites companies from a variety of cultural sectors, including the music and audio-visual sectors, to apply for investment. CultuurInvest currently has €21.5 million at its disposal which it aims to invest in the building blocks for culture, via loans and participations in company capital. Having gained approval from the European Commission who agreed that the fund was not conducive to unlawful competition, the Fund’s investment committees have already approved 21 applications and invested more than €2.5million euros in cultural industries in Flanders.

Useful link (in Dutch): <http://www.pmvlaanderen.be/pmv/view/nl/KMO/Producten/Cultuurinvest>

^{xvii} Culture contributes 2.6% of the EU’s GDP but currently receives less than 0.05% of the EU’s budget (862.3 billion euros, 2007 to 2013, of which 400 million euros for cultural programmes which do not even support the industry). This is not a balanced investment in culture. In 2008 the total EU budget is 129.1bn euros, of which 58bn will be spent on competitiveness, knowledge based economy and social cohesion. 2.6% of that budget would be 1,5bn euros per annum.

^{xviii} Commissioner Kroes has already recognised that preferential treatment for SMEs is fully justifiable “economically and politically”. She acknowledged that “...we must give SMEs an extra boost to help them overcome the gaps” (speech on SMEs, November 2007).

^{xix} The reform of study programmes in higher arts education institutions should be based on a different philosophy of training: from teacher-led approaches with a narrow understanding of the profession to student-based approaches taking into account the actual reality of the profession, in which professionals are increasingly asked to engage in different professional tasks (“portfolio career”), often in a self-employed context. The implication for training programmes is to focus more on entrepreneurship and to create a lifelong learning mentality using mentoring schemes and work placements, keeping a constant contact with the latest developments in the profession. Such a lifelong learning mentality will also enable graduates to continue their learning after having graduated, being faced with constant changes in the profession (*Study on Recent Developments in the Music Profession*, ERASMUS Network for Music ‘Polifonia’/AEC 2008 – www.polifonia-tn.org/profession).

^{xx} Recommendation of the European Parliament and the Culture Council on key competences for lifelong learning, 18 December 2006 (2006/962/EC).

^{xxi} Supporting artist that are already active in the profession:

- There is evidence that artists very rarely go back into learning situations after they have finished their professional training. In a constantly changing profession, it will be essential for artists to keep their knowledge and skills up-to-date. Examples of good practice should be exchanged on existing containing professional development scheme for artists in the various European countries (Final Report European project on the professional integration in music ‘Promuse’, AEC 2001 – www.aecinfo.org/promuse).

- In discussions about promoting mobility in the cultural sector at the European level, the recognition of qualifications is often forgotten as another obstacle for the mobility of artists. As the professional practice increasingly includes teaching as part of their diverse “port-folio” career, it is essential that the recognition of qualifications is added to the points the need further investigation and that the existing information on this issue is compiled and disseminated in a structured and accessible format (Report *The International Recognition of Qualifications in the Field of Music*, ERASMUS MUNDUS Project ‘Mundus Musicalis’/AEC 2008 – www.aecinfo.org/mundusmusicalis).

^{xxiii} At the European level, support should be given to recently graduated professionals with the ambition to set up their international professional practice. This would include support to ensembles wanting to make tours to other European countries as part of a possible mobility scheme for artists in the future.

LIST OF PARTICIPANTS OF WORKING GROUP 2
Leader - IMPALA
IMPALA (Independent Music Companies Association)
AEC (Association Européenne des Conservatoires)
PEARLE (Performing Arts Employers Association League Europe)
ELIA (European League of Institutes of the Arts)
International Yehudi Menuhin Foudation
GIART (International Organisation of Performing Artists)
ENCATC (European Network of Cultural Administration Training Centres)
ECA (European Council of Artists)
EFCA (European Film Companies Alliance)
IDEA (International Drama/Theatre and Education Association)

Annex 1

Paris, 24th October 2008

European Independence Arena Declaration

It is necessary and urgent to:

1. Give a specific status to independent cultural SMEs, endorsed at the European level. It is important to create an environment that fosters the creation and development of cultural SMEs. These SMEs should be granted specific support and benefit from positive discrimination measures. Existing measures such as the 'law on one price' on books in France must be preserved in the digital world.
2. Recognise the crucial role of the independents as discoverers of new talent and precursors in the development of new aesthetics. In the music sector the independents produce 80% of all new releases, organise 60% of concerts and create more than 50% of jobs. In the cinema sector, independents distribute 85% of films selected for competition at Cannes.
3. Ensure a high level of protection of authors' and producers' rights.
4. Regulate the digital environment by putting in place mechanisms based on the cooperation of all the actors including notably the rights holders. The implementation of the "Creation and Internet" law which guarantees a balance of everybody's rights and liberties - creators' property rights and privacy protection of internet users, in order to allow a true development of content online in the best interests of creators and consumers.
5. Ensure that, through inter-professional agreements, independent productions receive sufficient and sustainable exposure in the media, shops, cinemas and in the new media.
6. Propose new competition and concentration law rules or practices, such as defining accompanying measures for mergers and situations of vertical and horizontal concentration.
7. Create financial tools, as well as fiscal and social measures at national and European level. In the context of the current economic and financial climate, particular attention must be paid to maintaining the access of cultural SMEs and micro-enterprises to credit through organisations such as IFCIC or Kultuur Invest. There needs to be a facilitation of the dialogue and communication between financial institutions and cultural enterprises
8. To promote the legal availability of creative works on line, notably through reduced VAT rates on cultural products in both physical and online markets.
9. Invest EUR 1.5 billion of the European budget per year (corresponding to the contribution of the sector to the European GDP) into the cultural industries, with priority given to SMEs and micro-enterprises.
10. Establish a positive discrimination system for the independents, in particular in terms of the purchase of advertising space and access to new media.

Recommendations of Working Group 3 and 4 on Exchange and Export in a Globalised world

Circulation and international promotion is largely thanks to the investments made by cultural and creative industries and the professionals themselves. They discover, invest in and develop new European talents and in doing so increase cultural diversity and choice for the European citizens, while promoting regional, national and European know-how abroad. The objective of this paper is to propose structural mechanisms and tools to facilitate investment which will develop and improve the circulation of works and artists.

Therefore we address the European Commission, DG Culture, DG RELEX, DG Development and DG Regio to implement these actions through a Specific Program for the Cultural and Creative industries. In addition the strategies outlined should be developed on a Member State level in co-operation with relevant ministries, such as the Ministry of Culture, the Ministry of Trade and the Ministry of Foreign Affairs for instance. The professionals themselves will also maintain their support and investment within the culture and creative sector.

1. Provide tailored information to mobiled professionals, artists, organisations, works and products

To better circulate within Europe and outside professionals need to have a market overview with the list of potential partners specific to their sector to enable them to establish lasting networks. In addition tools providing information on the different social and economic frameworks in every country is indispensable and should be easily available and regularly up-dated.

- Information on European and key international markets.
 - > Lists of principal actors, festivals, venues etc.
 - > Market overview.
- Information on the fiscal, juridical and social environment.
 - > IP Rights framework.
 - > Fiscal status of artists, works, companies.
 - > Social security.
 - > Visa, work and residence permits.

Example 1: The music and architecture sectors have compiled this information into **Export Handbooks**, a useful sector specific tool for artists and professionals.

> This must be available in all sectors and the information must be kept up-to-date through common databases.

Example 2: Information portals such as On-the-move provides tailored information to professionals and gives information about current mobility programs.

> Enhance their capacity.

Example 3: the performing arts sector has **directories** which are updated annually focusing on Europe, America and Asia

> Support is needed to develop similar types of directories for companies that work more on a ad hoc or project lead basis such as in the so-called independent sector.

2. Facilitate the circulation of works, artists and productions

Implement support mechanisms to incite circulation by lessening the risk factor which will generate a significant levy effect by triggering investment. As a result you can support a greater number of projects rather than giving individual subventions.

- Support to live performances by establishing support mechanisms in the form of small investments
> This will ease the risk factor taken by artists when touring, encourage wider circulation and trigger investment.

Example 1: The EU funded pilot project European Tour Support gave a financial support representing not more than 10% of the budget of a tour. This incited record labels, tour promoters, festival organisers and other music professionals to invest more in touring at the European level

Example 2: the Danceweb Europe scholarship program enables young dancers to take a five week residency at the Impuls Dance festival. Cultural ministries from all European countries are investing in the program giving a grant which allows for young dancers to take part.

- Increase European programming in venues and festivals by giving incentives through a bonus system.

Example 1: European Talent Exchange Program stimulates the circulation of European artists performing live at European festivals by giving a grant of €1.500 to festivals who program European acts.

Example 2: Europa Cinema increases European programming in film theatres by giving bonuses to venues on the number of screenings of European non-national films.

Example 3: ETC – performance exchange programme. The ETC puts theatres in relation with each other and supports member theaters who wish to invite performances from other ETC-theatres. A financial contribution to travel, accommodation and per diem costs is granted.

- Promote and support co-production in music, theatre, dance and between the live performance sector and other cultural and creative industry sectors.

Example 1: ETC provides the platform for its members to collaborate and create co-productions. Two major artistic projects are currently in progress:

> **Young Europe** – with the support of the European cultural programme - consists of workshops, 4 new commissioned plays staged in 8 co-creations for young audiences and conferences. 11 partner theatres from 8 countries are involved in this interdisciplinary project.

> **Theatre Orient Express** – A “theatre train” will leave Turkey and head towards the West. 15 train stations in 7 countries will be filled with cultural activities and intercultural reflection. The Co-production partner theatres for this project have commissioned 6 new plays. Each play will be staged in the train in at least 3 countries. All plays and participants will be united during the final festival in Stuttgart, Germany.

Example 2: Europalia is a multidisciplinary festival in Brussels, presenting artistic practices such as dance, music, theatre, visual arts, cinema, but also fashion, design, folklore, gastronomy.

Example 3: cinema-opera, combining theatre, video, music, whereby co-producers enabled artistic creation between different forms of art and allowing for production touring across Europe

- Increase support for the **translation of works** (publications, audiovisual, live performance).
More funding available within European programmes:
 - > With an emphasis on lesser spoken languages.
 - > To translate from and into non European languages.
 - > For different genres of publications.
 - > To translate short excerpts to present at European/International trade fairs.
 - > Promote and support co-edition programs for publishers.

Example 1: The French National Book Center (CNL) provides some funds for the translation of French works into foreign languages and granted via French publishers selling the rights.

Example 2: The production of a Franco-German history textbook '*Histoire-Geschichte*' published by Editions Nathan in Paris, and Ernst Klett in Leipzig marks a step in the work of deepening relations between the two countries and especially in the specific construction of an everyday Europe.

Example 3: ETC organized its 4th edition of TRAMES (translation & mettre en scene). The goal of the project is to discover and promote a new play and its playwright by a thorough examination of a text in a residence/workshop. The text is translated into at least 3 different European languages and staged in the presence of the translators and the playwright.

Example 4: The ETC is collaborating with "La Maison Antoine Vitez", a French center of theatrical translation, on the project TER. The goal of TER (traduction, édition and réalisation) is to create a European network for circulation of contemporary plays, and eventually make stage them in partner theatres and festivals all around Europe. The project is right now in the construction of the international network gathering partners organisations (theatres, festivals, universities) in ten European countries.

- Improve and internationalise **cross-residence schemes** for performers, authors, and cultural entrepreneurs to facilitate exchanges within Europe and outside. Initiate production, creation, diffusion and talent development.

Example 1: RE: NEW MUSIC will establish a repertoire pool, whereby ensembles will be built from this pool. Up to 352 new pieces of music are to be shared over 24 months. It aims to directly support the artistic process in terms of rehearsals, workshops and residencies for composers.

Example 2: ETC offers all technical, administrative and artistic personnel from member theatres the opportunity to exchange know-how and techniques in another European country in an ETC-theatre during a one-month period residency. After approval between the two member theatres, an ETC grant is allocated to support per diems, travel and accommodation costs.

Example 3: CITL – International *college* of the *literary translators* in Arles is aiming to welcome professional translators coming from all over Europe.

Example 4: The 'Akademie des Deutschen Buchhandels' in Germany is a non-profit organisation which offers training courses, seminars and organise special events linked to the book sector (www.buchakademie.de). They also welcome writers.

Structural interventions through the European Regional Development Funds to address the EAST-WEST imbalance.

Example: In the music sector the lack of infrastructure and fully equipped venues within Central Eastern Europe explains the **East-West imbalance** as they cannot engage in successful and sustainable cooperation. To improve access to all European regions there needs to be sustainable infrastructure by building adequate venues with the appropriate equipment i.e sound/light.

- Circulation within Europe and into Europe is hindered by internal social and economic regulations and social security schemes. **Improve administrative cooperation between Member States**, simplify procedures and reduce costs of visa and work permits.
 - > Single permits applications for third country national artists, for both work and residence permits.
 - > **Fast track visa application** procedures when artists are invited by cultural organizations.
 - > Encourage the EU and its Member States to optimize and implement a **social security scheme** which ensures cultural workers can take advantage of social security benefits across Europe, in particular with relation to unemployment and pension.
 - > **Abolish double taxation** for artists.
 - > Facilitate the information on authors rights and neighbouring rights and related clearance processes to facilitate moving around Europe

3. International promotion

Due to globalization, cultural and creative industries need to have an international dimension to flourish. Hence the need for investment to establish schemes to maintain the presence of artists and cultural professionals in key international markets. To facilitate this exchange it is important to focus on import by also developing cooperation

- Set up a network of 'European cultural industries agencies' in key international markets outside of Europe and representing all the cultural and creative sectors. Such a structure would be more adapted to support, coordinate means and actions and give a voice to European cultural industries abroad.

This will give professionals a European reference when abroad and assist them by:

- > Organising explorative trade missions for professionals to better understand the foreign markets and to establish contacts.
 - > Provide useful information on local markets.
 - > Representing European professionals to local authorities.
- Joint European presence at international trade fairs to allow all Member States the chance to participate in key market events.
 - > European stand – joint promotional campaign.
 - Not just focus on export but also **import** by sharing know how. Facilitating artistic exchanges with third countries in Europe is also important to stimulate cultural diversity.

Example 1: EMO – New York export office- The EMO US office facilitated the access to the American market for European professionals. The project started in December 2003 and has achieved promising results. The New York office produced a US Export Handbook with a list of contacts of American music professionals which is constantly updated. The US office also ran activities of assistance and consulting to European professionals, notably in terms of promotion, distribution and monitoring on the US music

market. It also organised the presence of European artists and professionals to American music events. The project ran until 2006.

Example 2: EFP- European Film Promotion: Paneuropean umbrella organization that represents national European film export institutions to promote and market European cinema and the talent behind it world-wide. Actors, producers, directors, distributors and films that have acclaimed national recognition are presented with EFP at major global A-film festivals embedded in a wide range of promotion activities (producing common promotion material for joint promotional campaign, providing common European stand in fairs, providing access to foreign markets and establishing contacts etc.) to meet the international film industry and its market key players in order to support existing and new European film productions as well as its talents. EFP has been founded in 1997 and receives funds of the MEDIA programme.

Example 3: The BIEF, the Bureau International de l'Édition Française is an organisation devoted to the promotion of French books abroad. Via the BIEF's New York office, The French Publishers' Agency, it provides the services of a rights agency for English-speaking countries and it promotes French publishing. In 2005-2006 a project co-financed by the Culture programme, aiming at facilitating the establishment of common stands at international book fairs was coordinated by the BIEF.

Example 3: ETC – “Book of Plays – European Theatre Today”. For more than 15 years the ETC is producing its biannual publication which gathers a selection of the best new written plays from Europe with the aim to support and facilitate the circulation of contemporary plays together with the promotion of the development of new plays in Europe, focussing on young playwrights.

4. Pan-European training courses

To adopt to the constant evolution of the sector and the new business models a regular workshops and training need to address this. The professionals themselves can give a briefing to civil servants working within the field of cultural and creative industries on the specificities of the sector and its needs

Professional training

New business models.

Training on the different markets in Europe

Training workshops on legal and social regulations

Briefing for Civil Servants

Sensitize local and national civil servants on the specificities of the culture and creative industries to create greater awareness and to ensure the right and proper investment into this sector.

Training for youth and young professionals

Cultural industries need to be integrated into the existing EU education programmes.

Training on European legal and social regulations in relevant university curricula (i.e Intellectual Property law degree, Culture project management degree...)

Example: The ETC is encouraging mobility of competence and sharing of best practices amongst its member theatres. In workshops organised by the ETC, different professional groups from ETC theatres all around Europe get together to discuss, present and share their working methods.

LIST OF PARTICIPANTS OF WORKING GROUP 3
Leader - EFAP - European Forum for Architectural Policies
EMO – European Music Office
PEARLE - Performing Arts Employers Associations League Europe
UNI-MEI - UNI Media, Entertainment & Arts
AMC-Europe – Alliance Mondial du Cinéma
FERA - Federation of European Film Directors
IDEA European Net International Drama
EMIRA/Roberto Cimetta Funds - Euro-Mediterranean and International Research Association
ETC – European Theatre Convention

LIST OF PARTICIPANTS OF WORKING GROUP 4
Leader - EMO - European Music Office
FEP - Federation of European Publishers
PEARLE - Performing Arts Employers Associations League Europe
UNI-MEI - UNI Media, Entertainment & Arts
FIA - International Federation of Actors
AEPO-ARTIS - Association of European Performers' Organisations
FERA - Federation of European Film Directors
Menuhin-foundation - International Yehudi Menuhin Foundation
AMC-Europe – Alliance Mondial du Cinéma
ENCATC - European Network of Cultural Administration training Centres
On – the -Move
ETC – European Theatre Convention
EMIRA/Roberto Cimetta Funds - Euro-Mediterranean and International Research Association
EPC – European Publishers Council

Recommendations of Working Group 5 on the interface between artists and the cultural industries

Rationale

This Working Group brought together 22 organisations representing fields of both artistic creation and practice on the one hand and cultural entrepreneurship on the other (Appendix 1). These fields are located at the heart of the cultural and creative industries and are therefore central to the European creative economy.

The entire European cultural economy is dependent on the core fields of artistic endeavour and entrepreneurship; without them, there would be no creative industries. Accordingly, cultural policy needs to recognise this symbiosis. Artistic practice should be recognised as a key element of a larger system that creates public value, culturally, economically and socially. Today's cultural economy includes both mass and niche with the boundaries between 'subsidised' and 'for-profit' becoming increasingly blurred and different cultural expressions being fused to reinvigorate traditional cultural heritage.

Professional artistic creativity increasingly co-exists with amateur involvement. The digital revolution has dramatically expanded the means of producing, circulating and exchanging cultural expression in all artistic domains. In turn, the range of human, material and technical resources in each of the artistic fields is ever-increasing contributing significantly to income and employment. In spite of this an appropriate policy framework has yet to be put at the forefront of the policy agenda at European level. For example, some current competition policies and national company structures now often hinder artists in the single market, both in terms of distribution and access to retail sectors and broadcasters.

We therefore commend the European Commission for the production of the KEA report '*The Economy of Culture in Europe, 2006*' that sets out the key facts behind the cultural industries sector. The core creative fields are increasingly characterised by precarity, part-time workers, multiple jobbers, small-scale entrepreneurs (often driven by values other than the accumulation of profit alone), or freelancers who survive on niche ideas. The major industrial players need to see artists as part of their research and development process and invest in the creativity behind the content, not just in the technology.

Many issues of attitude and policy arise as a result of these challenges:

- How can arts and creativity be better recognised as a basic resource for the new economy?
- How can public policy nurture this resource?
- How can creativity flourish yet retain artistic independence and integrity?
- What is the role of public policy in these regards?

What public policy initiatives are most likely to bolster the status of the artist and serve as catalysts for artistic creation in Europe?

These are all cultural policy challenges across Europe, from national to EU level. The specificity of the cultural/creative industries, and the potential of their creators need to be recognised and action taken. It is therefore essential that their voices be heard in the policy-making process. In addition, in order to properly support the cultural industries sector, more robust empirical knowledge, a stronger evidence base, is still sorely needed. Much of the data is 'out there', but it is scattered and has not been brought together and analysed.

Policy needs to be implemented through multiple initiatives on different levels mirroring the complexity of the field. As each artistic form has its own specific enabling conditions (those conducive to poets differ from those conducive to painters), regulatory frameworks and incentives need to reflect and respect the specific conditions under which each art form does or does not thrive. Public policy also needs to balance the dual artistic/industrial nature of the cultural and creative industries and reconcile Intellectual Property Rights (IPR) and content-driven digital technologies. The important role of collective management societies for authors and performers in the creative chain must be recognised. They play a key role in ensuring that writers and performers can make a living from their work and devote themselves to it in complete independence while ensuring the widest possible dissemination of their works in a context of transparency and legal security. While existing European IPR legislation is satisfactory in terms of recognition of rights, much more needs to be done to ensure the concrete, Europe-wide implementation of measures for the respect of these rights, especially in light of the development of the internet.

RECOMMENDATIONS

The recommendations put forward below concern public policy measures that need to be taken at European level and by Member States, in order to strengthen the European Agenda for Culture. They also aim in a broader sense to promote a greater societal awareness across Europe of the place of authors, artists and cultural entrepreneurship in the cultural and creative industry landscape.

1. European authors, artists, cultural entrepreneurs and their organizations contribute to the European project. It is therefore recommended to both the European Union and Member states to:

- > Create a strategic coherent approach to the mainstreaming of culture across EU policy in order to promote the flourishing of artistic creation in Europe.
- > Create and support appropriate consultation mechanisms for authors, artists and cultural entrepreneurs, so that they can contribute to the resolution of the political, economic or social issues affecting their cultural practice.
- > Ensure that authors and performers can make a living from their artistic activities in complete independence. In this context, promote, whenever appropriate, the collective administration of their rights.

2. Consolidate the recognition of the status of authors, artists and cultural entrepreneurs:

- > Consolidate and improve both legislation and social awareness regarding the status of the artist. Hence the European Union and its Member States should take measures that can create better working environments and social protection as well as guarantee the respect of individual and collective rights throughout the Union.
- > Develop policies and programmes that are explicitly targeted towards promoting awareness of, and respect for authors and artists across society as a whole, as well as the added value of their work, culturally, economically and socially.

> Policies to promote artistic creation and entrepreneurship at both the European Union and Member State level should be strengthened reflect the value that artists, authors and cultural entrepreneurs can bring to society as a whole.

3. Commit to both artistic work and industrial production:

> Recognize the complementarities as well as the tensions between cultural value and market value, which may require a careful balancing act in terms of policy frameworks and incentives.

> Recognize all the players in the creative value chain, starting with authors, artists and cultural entrepreneurs as well as collective management societies which play a positive interactive role between authors and performers on one hand and creative entrepreneurship on the other hand.

> Ensure that policies designed to promote the growth of cultural industries take into account the synergies between the authors and artists and the culture/creative industries sector. This means designing policies that are 'fit for use' by different artistic and creative sectors in order to stimulate mutual co-operation and benefit across the spectrum of cultural production.

> Create spaces of mutual learning between artistic practice and the cultural industries as think tanks or laboratories for the cross fertilisation of artistic forms, business practice, research and other areas.

> Provide opportunities for practicing artists to develop management skills through the elaboration of short courses and other kinds of training modules.

4. Ensure the active involvement of authors and artists in building analytical competences:

> Integrate and systematically analyze the existing corpus of empirical knowledge and experience regarding author/artist/industry relationships so as to orient the incentives and regulatory changes that are necessary.

> Tap the potential of small and medium sized artistic enterprises for this purpose.

> Mobilize the knowledge and skills of artists who work at the interface between individual practice and the cultural industry level in order to find more imaginative solutions to obstacles and define needs in the most relevant manner possible.

5. Implement existing Intellectual Property Rights regimes more effectively for the benefit of authors, performers, producers and publishers:

> Opportunities offered by new technological developments and digitalisation, need to be backed up with clear policies that ensure access for all actors and offer real cultural diversity and consumer choice. Artists, authors and cultural entrepreneurs need the full respect of authors' rights, copyright and related rights in the new media environment.

> Measures should be taken to ensure access to an open, balanced and competitive market for all these actors through appropriate adaptation of competition rules that recognize the specificity of artistic and cultural production and distribution in respect of the competence of Member States. In this context, the essential role of collective management should be recognised.

> Ensuring the widest possible dissemination and making it easier for users to clear rights, collective management is essential for the knowledge economy and for cultural diversity and should be promoted.

> Where necessary, access to information for tracking usage of rightholders' works and performances conducive to the effective management of rights, should be developed in respect of fundamental rights and freedoms.

6. Convention on Promoting and Protecting the Diversity of Cultural Expressions.

> Transparent and effective monitoring of the application of the convention with particular regard to: Article 6 (g) of the above-mentioned Convention, which requires Parties to take 'measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions' and of Article 7.2, which states that 'Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.'

LIST OF PARTICIPANTS OF WORKING GROUP 5
Leaders - CAE - Culture Action Europe EMC - European Music Council
Alliance Mondial du Cinéma (AMC-Europe)
Association of European Performers' Organisations (AEPO-ARTIS)
Culture Action Europe (CAE)
European Broadcasting Union (EBU)
European Composer Forum (ECF)
European Council of Artists (ECA)
European Festival Association (EFA)
European Conference of Promoters of New Music (ECPNM)
European Forum for Architectural Policies (EFAP)
European Grouping of Societies of Authors and Composers (GESAC)
European Music Council (EMC)
European Music Office (EMO)
<i>European Network of Cultural Administration Training Centers (ENCATC)</i>
European Publishers Council (EPC)
European Theater Convention (ETC)
Federation of European Film Directors (FERA)
Federation of European Publishers

Platform on Potential of Cultural and Creative Industries

The European Writers' Council (EWC)
The International Urban Development Association (INTA)
UNI-MEI Global Union for Media, Entertainment & Arts
European Newspaper Publishers' Association (ENPA)
IMPALA - Independent Music Companies Association
International Organisation of Performing Artists (GIART)

● PLATFORM MEMBERS ●



PEARLE - Performing Arts Employers Associations League Europe



EMC - European Music Council



GESAC - European Grouping of Societies of Authors and Composers



EWC - The European Writers' Congress



UNI-MEI - UNI Media, Entertainment & Arts



FIA - International Federation of Actors



Menuhin-foundation - International Yehudi



FERA - Federation of European Film Directors



AMC-Europe - Alliance Mondial du Cinéma



IMPALA - Independent Music Companies Association



AEC - Association Européenne des Conservatoires



ELIA - European League of Institutes of the Arts



GIART - International Organisation of Performing Artists



European Network of Cultural Administration training Centres



IDEA European Net International Drama



EFAP - European Forum for Architectural Policies



INTA - International Urban Development Association



EMO - European Music Office



ECPNM - European Conference of Promoters of New Music



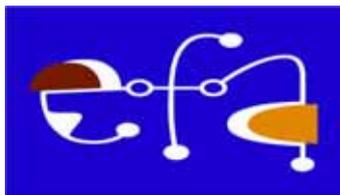
ETC - European Theatre Convention



EPC - European Publishers Council



ECF - European Composer Forum



EFA - European Festival Association



CAE - Culture Action Europe



EFCA - European Film Companies Alliance



FEP - Federation of European Publishers



EUROVISIONI



ECA - European Council of Artists



On-the Move



Aepo-Artis - Association of European Performers' Organisations

EMIRA - Euro-Mediterranean and International Research Association

FAEP - European Federation of Magazine Publishers

Preliminary Report

*OMC - Expert Working Group on
maximising the potential of
Cultural and Creative Industries,
in particular that of SMEs*

September 2009

CULTURE

SOCIETY

CREATIVITY

BUSINESS

INSPIRATION

MEANING

Foreword

These interim recommendations of the EWG came out after six plenary sessions (taking place since April 2008), during which several working methods were adopted (internal and external presentations, questionnaire for submission of good and bad practices/cases - see Appendix, establishment of four focused subgroups). We decided to organize them according to seven main issues (see figure in chapter 4), the analysis of an eighth (internationalisation, including support to exports, market access, European dimension of Cultural and Creative Industries, etc.) having been postponed to the next phase of our work.

This preliminary Report has been generally approved during the 7th Plenary meeting of the EWG (12th November) as a “consensus paper”, with two restrictions: (i) the group is aware of the different levels of detail the recommendations reveal and thus considers that some efforts should still be dedicated, in the near future, to widely harmonise/complete them, namely concerning the suggested level (regional, national, European) at which intervention should take place; (ii) some members of the group considered that additional contributions should be given in order to improve the present approach of chapters 1 and 2, which are therefore still being drafted.

Reader, you are dealing with work in progress. Proceed with caution and at your own risk, but let us know what you think. We are open for criticism, suggestions, and, even more so, for good ideas...

For comments or more information, contact the co-chairs:

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1. Introduction

Creativity and Culture

‘Creativity’ refers to the act of producing new things. ‘Culture’ has many definitions and connotations, but the production of meaning is almost always involved. Although they are formally independent (new things are being created outside the culture sector, and many meaningful cultural artefacts are not new), there are strong and important relationships between creativity and meaning. The production of meaning more often than not requires new ways of seeing the world, new interpretations, and new forms that express these new insights.

Now that our western societies are transforming from industrial societies into information societies, meaning is more and more becoming a driving force behind innovation in our economy and in other sectors of society. Digital technologies and their application in countless domains facilitate, catalyse and accelerate this. If a product or service is not meaningful, it will not sell. ‘Added value’ is more often than not a matter of ‘added meaning’, rather than ‘added functionality’. We buy a specific mobile phone instead of another because our friends and loved ones are easier to find than on another model. We don’t want more buttons, we want more meaning and we are willing to pay for it. Different designs based on similar technologies create meaningful differences. These differences that determine economical success or failure are cultural in nature. The cultural and creative industries are becoming an important and crucial source of innovation in our information society, and it is our view that this is a strategic issue for the European Union.

Meaning

Meaning as the key notion of the cultural and creative industries, does not operate like knowledge does in the world of science and technology. Thus,

innovation in an information society works differently than it does in an industrial society. When we want to make a car engine more efficient, we know exactly what we are aiming at and how we can measure success, but when we want to create an information service that allows us to communicate more intimately with our loved ones, it is almost impossible to phrase this in terms of objectively measurable indicators. Science and technology work on the basis of knowledge and understanding, but culture and creativity work on the basis of intuition, meaning and inspiration. Designers in strategic design firms, art directors in advertising agencies, musicians in ensembles, curators in museums, they all depend on inspiration in order to create new meaning, new added value, and new economic benefits. And, more often than not, they get their inspiration from other forms of culture that may be 'difficult' for a broader audience. Meaning is a different game, with different rules, and these rules are the domain of our working group.

It is our challenge to formulate principles and policies for the creation of meaning and the flow of inspiration.

2. The debate

To make better use of culture and creativity, there are two main questions: one, which external effects of culture and creativity can we identify, and two, how could policy intervene to stimulate these externalities? These questions are approached through a somewhat outflanking movement, by starting with the *outcome* of creativity.

One, what are the economic effects of creativity?

Effects of creativity exist not only on an individual level, when we enjoy a piece of music, writing, design or a moving image, but also on a social level. For the sake of being convincing to governments, this social level is best described in economic terms. We can speak of the *direct* and *indirect* economic effects of creative industries.

1. Direct effects

Direct effects are measurable in terms of employment, contribution to GDP etc., and on the whole the direct contribution of creative sectors to the economies in member states is increasing. Direct economic effects ('welfare creation') are also visible when creative sectors such as design or marketing operate within the production chain. Direct effects are fairly easy to measure; the only problem is that of the delineation of creative industries.

2. Indirect effects

2a. Indirect economic effects occur basically when creative sectors influence others parts of social and especially economic life. The most evident is when heritage attracts foreign visitors who fuel the tourism industry, but they also trickle down in other sectors that see their turnover grow through the influence of thriving creative industries (accountants, taxi drivers, catering, etc.). Not only fleeting visitors are attracted by creative cities: Richard Florida, and before him Jacobs and Zukin pointed out that creative

quarters can renovate entire city economies on an impressive scale. In fact, amenities like arts and heritage represent an option value to consumers in the housing market, even if they do not use these amenities themselves. Moreover, they also contribute to an environment where the economy thrives, and in this sense their contribution to social cohesion is an important indirect effect on economic life. Not surprisingly, creativity is a truly urban phenomenon. Furthermore, *design* makes other products and services better in more than one way: more suited to rapidly evolving markets, cheaper, more durable, and environmentally friendly (e.g. because they can be transported cheaply). It appears that companies that invest heavily in design to better on the stock market. These developments are summarized by terms as 'experience economy' and 'creative economy'.

2b. However, creative industries have other strong indirect effects, which intervene deeply in modern economies, especially through the influence of its most innovative core, the arts. When we look at the flow of inspiration, we often find that it starts with experimental art, inspiring more audience-friendly art, inspiring designers and art directors, inspiring consumers to spend their money on meaningful products and services. More and more, cultural industries are a source of business innovation. They create wealth with novel ideas that find an application in other fields. Perhaps most importantly, they provide novel models to develop processes, strategies and businesses. In short, indirect effects are huge, unquestionably there, but *intangible* and pretty hard to measure.

3. The structure of the cultural and creative industries

3a. Creative industries are like a zoo with many different animals. From a European perspective, we see that in some member states, part of the creative industries are state owned and state financed; in others, all are privatized (or, more precisely: 'destatized') though sometimes still partly financed and regulated by the state. In this respect they resemble institutions for higher education.

3b. When looking at the structure of creative industries, we notice a few aspects which make them stand out. Firstly, they are strongly dominated by SMEs. Secondly, they tend to flourish on creative competition, but are amazingly vulnerable to form monopolies that kill competition, the so-called best-seller effect.¹ This leads to the dominance of the global multimedia and advertising industries, based in North-America.² Thirdly, they are not well organized in terms of lobbies, employers' associations etc. Fourthly, no creative industry is solely oriented towards the market. Indeed, all of them combine the presence of a market-oriented side with an 'autonomous' or art-oriented side. The artistic side is often, but not always, endowed by states, municipalities or sometimes private patronage. The market side derives often, but not always, its innovations from research done in the artistic domain. Therefore, subsidies to art production can be treated as Research and Development monies - not unlike science, where fundamental and applied researches each have their place and meaning. Copywriters and art directors in advertising agencies get their inspiration more often than not from art exhibitions and other forms of non-commercial artistic experiments.

4. Hard facts

Creative industries are fast growing. Though they may be vulnerable to market trends, virtually no one still doubts that they represent a strong asset to our economies, in global competition with East Asia and the United States. For example, UNCTAD's *Creative Economy Report 2008* provides empirical evidence that the creative industries are among the most dynamic emerging sectors in world trade.³ Over the period 2000-2005, trade in

¹ An assertion based on the seminal work by American economist Richard Caves: *Creative Industries: Contracts between Art and Commerce* (2000).

² Historically this is not a unique phenomenon: 100 years ago, it was the French multinational Pathé which destroyed all media production in Belgium and 'colonized' the silver screen from Los Angeles to Tokyo and Moscow. The same monopolistic processes are to be witnessed in regard to the Indian film industries and the Egyptian film industry in their respective regions

³ United Nations / UNCTAD: *The challenge of assessing the creative economy: towards informed policy making. Creative economy report 2008.*

creative goods and services increased at an unprecedented average annual rate of 8.7 per cent. World exports of creative products were valued at \$ 424.4 billion in 2005 as compared to \$ 227.5 billion in 1996, according to preliminary UNCTAD figures. Creative services in particular enjoyed rapid export growth - 8.8 per cent annually between 1996 and 2005. This positive trend occurred in all regions and groups of countries and is expected to continue into the next decade, assuming that the global demand for creative goods and services continues to rise. And no economist questions the presence of intangible effects, only their size.

Conclusion: external effects do occur in a range of ways, both directly assessable and more remote and elusive. They are not a question of belief, but undisputedly present.

Two, what policy interventions are in order?

As to state intervention in creative industries, three basic requirements should be met: legitimacy, effectiveness and efficiency. State intervention is *legitimate* when society (a.k.a. the market) fails to solve its problems by itself. State intervention is *effective* if it is able to reach a set goal. State intervention is *efficient* if the social revenues are higher than the costs involved. It is a matter of intellectual hygiene to apply these constraints consistently, and it requires wisdom and vision to relate public financial investments in the arts to social revenues.

From the perspective of the European Union, its member states and the industries itself, the crucial question is how to support the growth of creative businesses, or, in other words: how to foster both the direct effects of creative industries and fire up their indirect effects. To make the most of the economic effects of creative SMEs, we should focus our efforts to fostering strong industries.

3. Working Group process

Early on in our work process, we decided to work in subgroups. We identified four themes that we thought covered the debate in a meaningful way. The themes and their associated questions were:

1. Context

What is the context of the cultural and creative industries? How do they connect to other sectors in society, like economy or other ones? What is the nature and extent of innovation through culture and how can this be stimulated by policies at European, national, or regional levels

2. Use and re-use of culture

How and by whom is culture used? How can we make sure that there is an optimal flow of inspiration? And, with the rapid rise of digitization in every domain thinkable, how can we facilitate new forms of cultural production that feature inspiration in its purest and most literal form: the reuse of cultural products in order to create new meaning?

3. Method

How do the cultural and creative industries operate in terms of entrepreneurship and business models? How can this huge collection of SMEs be facilitated in its business practices?

4. Content

This fourth theme focused on the actual production of culture itself, on content and content quality. How can quality be improved, sustained, and taught?

All four subgroups produced documents with analyses and recommendations. Based on these conceptual analyses and on the policy recommendations that accompanied them, we decided to regroup the recommendations into seven

categories. These are presented in the next session, and used to structure a long list of possible policy interventions.

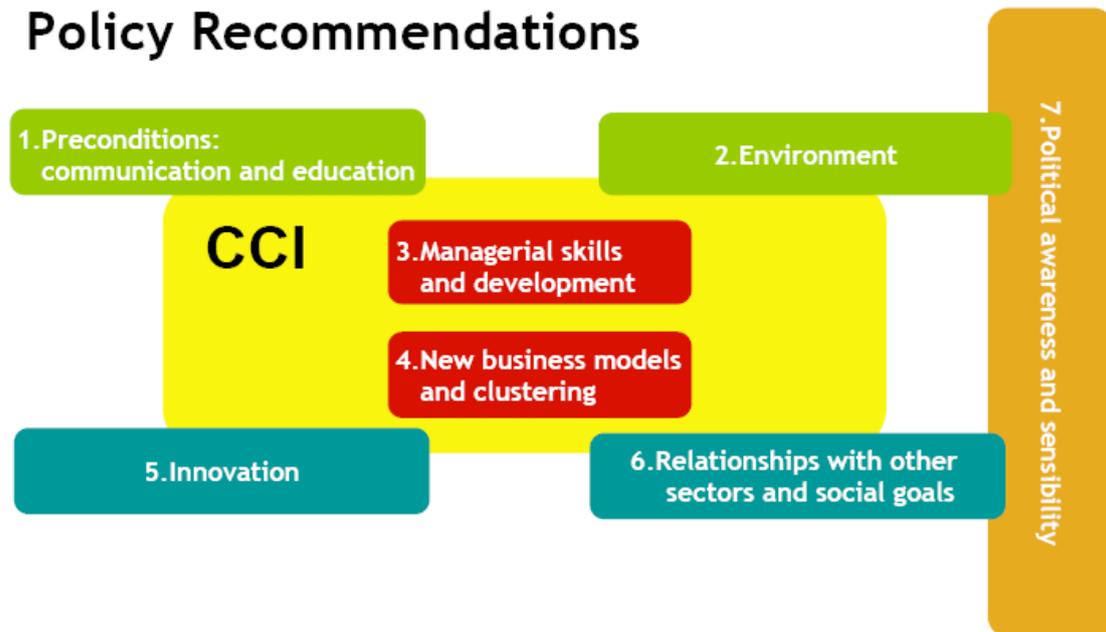
In the near future, this list will be critically evaluated and revised by the working group.

What is presented below is a snapshot of the current situation.

4. Results and recommendations

Below is a schematic presentation of the different categories that we have chosen to use for structuring our findings. In the remainder of this document, we will present our current ideas within this structure.

Basic Framework for Policy Recommendations



1. Pre-Conditions: Communication and Education

1. a) Raising awareness about the importance and economic value of the Cultural and Creative Industries (best practices and statistics)

- External effects of creativity do occur in a range of ways, both directly assessable and more remote and elusive; the importance of the creative industries at national and regional level is not a question of belief, but undisputedly present.
- A working definition of the cultural and creative industries is needed. However, these are rapidly evolving sectors and no definition should therefore be carved in marble. Such a debate should be left to expert statisticians.
- Data and indicators to measure progress should be produced if one is willing to better grasp the impact of policy initiatives or funding programmes, as well as convince counterparts from other ministries of the importance of the sector in terms of European competitiveness.

1. b) Talent educational programmes

- The educational system is fundamental for skills training and other mentoring services. In all its levels the educational system should be focused to some extent to achieve potential of all students, to find everybody's talent.
- Elements of the talent educational programmes should be the following: knowledge investments; infrastructure development; assistance programmes, events, trainings; support to the scientific career of women; scholarships supporting an international research network.

1. c) Projects to recognize and gather young talents

- One of drastically developable elements of the social capital is the human talent and its efficient utilization; for this purpose, it is essential to find as many talented young persons as possible and to promote the unfolding and efficient utilization of their comprehensive talent.
- By attracting social capital, the support of young talents has measurable effects on the economy and creates therefore an accentuated part of the education and training in the CCI sector. As a highly important side-product, this initiative also creates novel jobs both in the form of expanding the participants' abilities and enabling them to find their place in the society in a completely unpredicted, high position but also to help them to create jobs for others.

1. d) Enhancement of creative competences in business education

- Concrete suggestions: exchange programmes in European level, promote co-operation between different sub-fields (not programmes only for film industry, or only for music industry etc.); promote co-operation between different business lines; combine creativity with business skills; check the real needs of enterprises (what should be included into education).
- Business skills development networks between creative companies and education organizations.

2. Environment

2. a) Promote entrepreneurship, business mentoring

- The conditions for entrepreneurship in creative industries must be stronger.
- Business mentoring is a useful tool.

2. b) Encourage public and private partnership initiatives

- PPP and co-operation with other business lines are important.

2. c) Digital infrastructure: promote free wireless, broadband, open standards

- The digital infrastructure is unreliable.

2. d) Foster incubation

- Creative industry incubators (CIIs): at national and regional levels
 - i. Raising awareness about the importance of the creative industries and CIIs at national and regional level. Providing conditions for the constant exchange of relevant information and good practice between the Member States.
 - ii. Encouraging the Mapping of local or regional creative industry sectors, feasibility studies which are an indispensable phase of planning the set-up of CIIs. These studies provide arguments for the need for CIIs, defining their possible profile, specialisation, stakeholders, clients, and partners.
 - iii. The intrinsic diversity of the creative sector, the diversity of interest groups and different aims of CIIs create the conditions for high creative output, but at the same time they make dialogue and broad consensus among the stake holders more difficult in practical terms. Therefore, a long-term strategy and the distribution of responsibilities in supporting and managing CIIs should be discussed beforehand and adopted by all the parties involved.
 - iv. The CII should be included as a measure in relevant national strategies and regional development programs in order to ensure synergies among the policies concerned and to diminish the risks posed by changing political priorities within local authorities.
 - v. National governments and regional authorities should encourage public and private partnership initiatives in developing CIIs.
 - vi. It is important to maintain a balanced simultaneous focus on 1) developing Creative business SMEs and 2) informing the market of the potential of creative industries.
 - vii. There is a clear need for an effective structure when it goes to capital injections into the starting company.
- Creative industry incubators (CIIs): at EU level
 - viii. Awareness raising at the EU institutional level: the European Commission directorates on trade, innovation, education, industry, SMEs, competition etc, as well as at the European Parliament, advisory institutions, taking part in EU decision-making (Committee of the Regions and ECOSOC).
 - ix. Coherence between existing measures for support shall be ensured (Structural Funds and Cohesion Fund, and the sectoral horizontal programs: MEDIA, Culture, FP7, etc.).

- x. Both analytical and awareness work may lead to the establishment of a specific interdisciplinary EU Task force or Observatory to collect information and compare practices, not only about CIs but also about cultural and creative industries as specific sectors of the economy. (Rather than establishing a group/Task force, the task could also be entrusted to an organisation(s), not as single commissioned study or survey, but as a longer-term responsibility).
- xi. On the basis of closer cooperation among the institutions, specific measures for support (e.g. pilot programs, program strands, general guidelines for the MS, etc.) could be set up in the Structural Funds over the next financial year.
- xii. Cultural and creative industries should emphasize their special needs while the Commission will, according to the “Small Business Act” for Europe, in consultation with Member States, develop a cluster strategy including initiatives to encourage transnational cluster cooperation, facilitating clusters’ access to new markets and taking measures to encourage greater participation of SMEs in innovative clusters.

3. Managerial skills and development

3. a) Access to finance: development of financial mechanisms and venture capital funds

- At EU level
 - i. Identifying different national and local environments in which cultural and creative SMEs operate, and the nature of these SMEs themselves (including crafts, micro-enterprises, family owned or social economy enterprises).
 - ii. Developing, in tandem with those providing funding, prudential analysis methods to assess the risks specific to the EU's cultural and creative SMEs.
 - iii. Identifying the needs of the cultural and creative industries that are not covered by the existing EU and national mechanisms, especially in terms of project or SMEs cycle; and develop financial mechanisms' benchmarking (caution, guarantees, investments, exports...).
 - iv. Facilitate conditions for access to private funding mechanisms for cultural businesses and projects; guarantees, bonds, etc. and stimulating the release of capital from financial institutions dedicated to the cultural industries, especially SMEs, including with the support of guarantees of the European Investment Fund.
 - v. Developing evaluation tools to assess the impact of the funding mechanisms in terms of employment, value added, return on investments etc., and give particular attention to evaluation of tax credit measures and their efficiency at EU level. These national measures create a competition between cultural and creative industries that might limit their efficiency at EU level.
 - vi. Facilitating exchanges of best practices in the field of funding mechanisms for SMEs in the cultural and creative industries between Member States.
 - vii. Build a European network of financial and banking institutions operating in the cultural and creative sector.
 - viii. Develop expertise, through a European network, on projects of SMEs in the cultural and creative sector in order to increase transnational guarantees or finance for projects co-produced at European level.
 - ix. Increase EU support for culture, giving particular attention to SMEs.
- At national level
 - x. Launch a communication plan to increase cultural and creative industries' access to finance.
 - xi. Encourage financial and banking institutions to create venture capital funds addressing the needs of SMEs and micro-credit businesses in the cultural and creative sector, including through tax reduction measures and invest public capital in those funds.
 - xii. Develop expertise on intangible assets of cultural enterprises, in particular through the evaluation of their intellectual property rights.
- At regional level
 - xiii. Develop projects for the SMEs and micro-credit businesses in the cultural and creative sector that can benefit from structural funds.

- xiv. Encourage State and Region joint-investments in venture capital funds dedicated to SMEs and micro-credit businesses in the cultural and creative sector.
- xv. Organize networks to better expertise capital demands made by SMEs and micro-credit businesses in the cultural and creative sector.

3. b) Ongoing monitoring and mentoring activity

- Identifying the needs of the cultural and creative industries that are not covered by the existing EU and national mechanisms, especially in terms of project or SMEs cycle: availability of market-business information (market analysis, business information, advisory board, education training, and entrepreneur knowledge), and consultancy services.

3. c) Training, business skills acquirement and development networks

- To improve skills-training schemes.
- To assure aid in practice acquirement (in order to gain entrepreneur competencies).
- Business skills development networks between creative companies and education organizations.
- Foster networks between cultural and other sectors, but also *within* creative industries; provide finance for these networks.

3. d) Better infrastructure (physical and virtual)

- The infrastructure for the production, distribution and consumption of creativity should be bettered.

4. New business models and clustering

4. a) Valuing intangible assets and support new business models for professionals and SMEs

- Special attention paid to the valuing of the intangible assets that most creative industries companies possess.
- New business models (e.g. flat rate and subscription models) should be supported and subsidised in order to ease distribution of content and therefore foster diversity.

4. b) Fostering the technological and legal basis that enables new business models, promote the use of Creative Commons licenses for intellectual copyrights

- Quality of business environment (infrastructure, taxation, legal regulation).
- Stimulate the development of new business models for creative professionals that do not rely on current IPR legislation.

4. c) Digitalisation of cultural heritage and copyright issues and policy

- Digital content and information should be made more accessible and usable; funding programmes should take into account the perspective of producing digital cultural content widely useful, portable and durable as possible - in other words, 'interoperable' resources.
- Intellectual property regulations, while balancing the interests of right owners and users, should be more an asset and less a hindrance for the creative use and reuse of cultural products; current legislation is seen as problematic by many museums and archives.
- Foster the technological and legal basis that enables new business models (see also next point).
- Enacting think tanks on European copyright policy at three levels:
 - i. Academic think tank consisting of economists, sociologists, members of artistic academies and political sciences. It is highly important that participants of this think tank are impartial and do not profit from any alteration in copyright law.
 - ii. The second level think tank consists of the first group, lawyers, and representatives of the creative sector, the traditional content industry, the consumers and the telecom industry.
 - iii. On a third level in addition to the first and second level political representatives and representatives of the WIPO (World Intellectual Property Organisation) should complete a rethinking of a European copyright strategy.

4. d) Development of a creative cluster strategy

- Priority should be aimed at creative clusters and expertise centres (and *less* for small one company projects).
- Enterprises should form creative clusters in European level.

5. Innovation

- Creative industries must position themselves more as sources of innovation; similarly, the pivotal role of creativity in processes of social and technological innovation should be recognised creative industries must position themselves more as sources of innovation; similarly, the pivotal role of creativity in processes of social and technological innovation should be recognised.

5. a) Knowledge transfers

- Organize knowledge transfer networks for the creative industries.

5. b) Support connection between creativity and technology: from awareness to facilitation

- Support the connection between creativity and technology.

5. c) Non-technological and service innovation

- Investigate non-technological innovation, service innovation and how to support it.

5. d) Incitation of business to employ creative artists (vouchers)

- Issue vouchers that incite businesses to employ creative people, including obviously artists.

6. Relation with other sectors and social goals

6. a) Regeneration of places (e.g. industrial towns)

- Relate arts and other creative industries to social goals, such as the repopulation of the countryside.
- Collect good practices in the field of regeneration of place, especially of derelict industrial towns. These good practices can lie with local governments and with private initiatives from artists and companies.

6. b) Cultural tourism

- Culture is a key factor of tourism development; but on the other hand, culture is more and more connected to and dependent on tourism. Cultural attractions able to generate economic profit through cultural tourism: built heritage; arts fairs; museums & exhibitions; performing arts; festivals; film tourism; gastronomic tourism and rural tourism.
- It is essential to take care of cultural heritage. But we should still see the huge potential of cultural tourism, as it is one of the main way how culture contributes to the attractiveness of a region not only for tourists, but also for students, investors and inhabitants. The most important, but often the most difficult challenge, is to find the synergy and the way to collaborate so that all parties (people from culture, tourism and local authorities) are satisfied. In such ideal case, cultural tourism can contribute to: preserve cultural heritage; point at the value of culture, cultural goods and services; find the way of communication between tourists and local people; liven up the cultural and social life in the community; improve education and knowledge within the community; create new jobs; bring new financial resources to the community.

6. c) Local and regional development projects

- CCIs can contribute to an environment where the economy thrives, and in this sense their contribution to social cohesion is an important indirect effect on economic life.

6. d) Environment and quality of life

- *Design* makes other products and services better in more than one way: more suited to rapidly evolving markets, cheaper, more durable, and environmentally friendly (e.g. because they can be transported cheaply).

7. Political sensibility

7. a) Mapping and National Creative Programmes

- There should be a heightened political sensibility for the importance of the creative industries - policy should intervene to stimulate the externalities of creativity; to get there:
 - i. mapping, statistics and a sound knowledge base should be encouraged and organized;
 - ii. not only the national governments, but also the regional, local and city administrations should be involved;
 - iii. government should be a better *commissioner* of creativity.

7. b) Foster cooperation between Ministries, EU-DG's and Countries

- Foster cooperation between ministries.
- Foster cooperation between EU-DG's (the European Commission directorates on trade, innovation, education, industry, SMEs, competition etc, as well as at the European Parliament, advisory institutions taking part in EU decision-making, like Committee of the Regions and ECOSOC), supported by governments of member states.
- Conditions for the constant exchange of relevant information and good practice between the MS should be provided.

7. c) Finance programmes for creative industries at EU level (coherence of existing measures and resources + use of Structural Funds)

- The EU should support its creative industries: from KP7, from Lifelong Learning Programme (Socrates, Erasmus together with Leonardo and Gruntvig) and other tools for developing common projects, exchanging knowledge and developing professional skills, etc.
- Start a European program that allows artist to work in different sectors via networks.
- The EU should invest more structural fund-money in its creative industries.

7. d) Interdisciplinary EU Task Force or Observatory

APPENDIX

Case studies submitted:

1. Audiovisual - The example of Austria (AT)
2. Departure and Impulsprogramm - Two support mechanisms to creative industries (AT)
3. Schraubenfabrik (a place for 20 creative companies) (AT)

4. Audiovisual - The example of the French speaking community of Belgium (BE)
5. Cultuurinvest (BE)
6. Kunstenloket (BE)
7. Publishing - The example of the French speaking community of Belgium (BE)
8. State support to the international promotion and export (BE)
9. Vlaams Audiovisueel Fonds (BE)

10. Mapping of the creative industries in the city of Plovdiv (BG)
11. Sofia Film Fest & Sofia Meetings (BG)

12. The Educational Programmes and Community Outreach Programme of the Cyprus Symphony Orchestra (CY)

13. Career and Transfer Service Center (DE)
14. Die Kunst von Kunst zu leben (the art to make a living from art) (DE)
15. Law on artists' social security (DE)

16. Cultural entrepreneurship (DK - bad practice)
17. Tax deductions for company art purchases (DK)
18. The Centre for Cultural and Experience Economy - a joint venture by the Ministry of Culture and the Ministry of Economic and Business Affairs (DK)

19. Designing financial support mechanisms for creative industries from EU Structural Funds (EE)
20. Tallinn Creative Incubator - Incubation services for Creative and Cultural Entrepreneurs (EE)

21. Eiken, the audiovisual cluster of the Basque country (ES)
22. Facility for the Internationalisation of Spanish Enterprises from the Instituto de Crédito Oficial (ES)
23. Financing facilities of the Instituto de Crédito Oficial (ES)

24. Cooperation between ministries in Finland (FI)

25. Creative Tampere (FI)
26. DigiDemo Programme supporting creative industries (FI)
27. MEDA - Training project (FI)
28. Providing Sparring Services for Creative Industries (FI)
29. The china and stain-glass district in Limoges (FR)
30. The IFCIC funding facility for cinema and cultural industries (FR)
31. Film tax incentive scheme in Ireland (IE)
32. Income tax exemption for artists in Ireland (IE)
33. The Digital Hub (IE)
34. Hungarian Genius Programme (HU)
35. Use of structural funds for developing creative industries (HU)
36. Experience Rome (IT)
37. Torino 2008 World Design Capital (IT)
38. White Paper on Creativity (IT)
39. Audiovisual - The example of Malta (MT)
40. The Culture of Festivals in Malta (MT)
41. Valletta Grand Harbour Regeneration (MT)
42. Creative Challenge Call (NL)
43. Cultural Biography Limburg (NL)
44. Young Designers and Industry (NL)
45. Cultural Incubator - Art Incubator (PL)
46. National strategy for the development of culture 2004-2020 in Poland (PL)
47. Polish Film Institute (PL)
48. Polish Institute of Industrial Design (PL)
49. Use of structural funds - The Polish Example (PL)
50. Inov Contacto Programme (PT)
51. Building Regeneration - Portimão Museum (PT)
52. Inserralves - An Incubator for the Creative Industries (PT)
53. Tourism Programmes - PIT (PT)
54. Tourism Programmes - SIVETUR (PT)
55. Supporting creativity within the cultural sector in Romania (RO)
56. Airis, Artists in Residence (SE)

57. Icehotel (SE)
58. National Strategy for regional competitiveness, entrepreneurship and employment 2007-13 (SE)
59. Regional Hubs (SE)
60. The networking Forum of the Swedish Creative and Experience Industries (SE)
61. The Swedish example of a reinforced cooperation between the Ministry for Culture and the Ministry for Enterprise and Energy (SE)

62. Music Festival Pohoda (SK)

63. National Creative Programme - Creative Britain (UK)
64. Developing Small Business Survival Skills (UK)
65. Film Club (UK)
66. Knowle West Media Center (UK)
67. Mediacity (UK)
68. Practical Skills Development for Graduates (UK)
69. Rainhill High School (UK)
70. The Centre for Creative Business of the London Business School (UK)
71. When Doctor Who came to town - BBC Wales (UK)

72. Baltic-Nordic cooperation Network of Ministries of Culture (EE + LV, LT, FI)

VISAS / *the discordant note*

A White Paper on
visa issues, Europe & artists' mobility

Published
2008 / 10 / 31

FREEMUSE
ELMF
ECA

*

INTRODUCTION

The increased challenges facing tour and concert organisers, artists, agents, management companies and others involved with cultural exchange in an international context has emerged as one of the main areas of discussion within the music industries and its wider community.

During the international trade fair *WOMEX 2007*; an emergency session focused on complex visa and work permit regulations for artists. The session discussed lack of competence and perceived cynicism at consulate level and time consuming Schengen procedures that result in huge financial expenditure and great frustration for the arts sector and ultimately hampers cultural exchange and the expression of cultural diversity.

FREEMUSE – an independent international organisation which advocates freedom of expression for musicians and composers worldwide – offered to collect and process case histories from the participants and present the results to relevant authorities and institutions in the EU, in particular the EU Commission, The European Parliament, and National and European Artists' Associations.

The initiative was immediately joined by **ECA** – The European Council of Artists, representing organisations of professional artists, authors and performers in 26 European countries and **ELMF** – The European Live Music Forum, representing a number of live music communities such as the International Music Managers Forum IMMF, The Agents Association, The European Arenas Association EAA, The Production Services Association PSA among others and **EFWMF** - The European Forum of Worldwide Music Festivals, a network of world music festivals.

These organisations share common concerns regarding administrative procedures that hinder cultural exchange between Europe and the rest of the world. The organisations equally regard the strong EU support for the UNESCO Convention on Cultural Diversity as an important reference to a practical change of administrative procedures regarding visa and work permit procedures for non-EU artists visiting Europe.

The Convention calls upon ratifying countries to “adopt measures in developed countries with a view to facilitating access to their territory for cultural activities from developing countries”.

This White Paper sums up some of the problems and challenges of bringing international artists into Europe, or from one country in Europe to another.

It is the hope that this White Paper will clarify why the EU must change its procedures in order to live up to its obligations under the UNESCO convention. It should also be noted that European artists suffer by virtue of similar procedures applied by the United States of America and others.

EXECUTIVE SUMMARY

The European Community, on December 18th 2006, ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions along with Austria, Bulgaria, Denmark, Estonia, Finland, France, Lithuania, Luxembourg, Malta, Romania, Slovakia, Slovenia, Spain and Sweden. Since then, Cyprus, Germany, Greece, Hungary, Ireland, Italy, Latvia, Poland, Portugal and the United Kingdom have also have also ratified the Convention. In total, 92 countries have now – according to their national law – ratified, approved, accepted or acceded to the Convention.

The ratification – hopefully – paves the way for enhanced cultural cooperation at international level, notably through exchanges of views and best practices in public policies to promote cultural diversity.

However, many tour, concert and festival organisers, agents, management companies, cultural organisations and others face increasingly non-transparent, time consuming and costly application procedures at EU embassies overseas and work permit or immigration offices in Europe, when they organise concerts and tours in Europe with artists from non EU countries. European artist trying to tour the US face many of the same problems.

Some festivals have stopped inviting artists from particular countries due to the unpredictable nature of their visa application procedures. Others continue to struggle, but experience huge financial losses.

European tour organisers have two things in common: they provide Europe with great artistic presentations from non-EU countries enriching the cultural diversity of Europe and they ensure that the European market is kept open for artists from less developed countries thus implementing the principles of Articles 14 and 16 of the Convention. The same, with the addition that it also applies to European artists, applies to tour organisers on the US market.

This “White Paper” sums up some of the major problems faced by artists, organisers and organisations. The problems identified focus on administrative procedures, lack of transparency, lack of harmonisation, costs and ineffective information systems.

The implementation of some of the solutions suggested may seem complex; others may be easily adopted provided there is a willingness to do so. Other reports have suggested a “one-stop system” within the EU; such a system would definitely make life much easier for all involved if this could be introduced within the EU and at EU representations overseas.

As the system works today it has a negative effect on cultural relations and often very deep negative effects on the human soul. There is a vast distance between the intentions of the new UNESCO Convention and the reality faced by artists and organisers.

Oceans divide the political ambitions expressed in calls for cultural mobility and the harsh consequences of the present visa and work permit procedures.

MOBILITY, CULTURAL DIVERSITY AND VISA ISSUES

Culture is the prism through which we not only can see ourselves, our world and its people today, but also yesterday, tomorrow, and far into the future. Cultural exchange can contribute to mutual understanding and respect, ultimately defusing anxieties and fears stemming from encounters with what might at first appear different and at times frightening. However, there is in this context no need to expand on the values of culture, *suffice to hold these as self-evident truths along with the inalienable rights of cultural expression and access to culture in all its shapes and forms.*

Nor does this seem to be the time and place to expand on the role of politics. Suffice to say that while politics can improve human lives, defuse conflicts and uplift spirits it can, at its worst moments, do exactly the opposite.

The significance of arts and culture in particular, as regards forging identities and bringing people together, is recognised by the European Union. *Article 151* of the amended EU treaty not only clearly states that the Community shall contribute to the flowering of the cultures of the Member States but also that *“the Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture”* and take cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures.

Furthermore, the Community, on December 18th 2006, ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions along with Austria, Bulgaria, Denmark, Estonia, Finland, France, Lithuania, Luxembourg, Malta, Romania, Slovakia, Slovenia, Spain and Sweden. Since then, all but three of the EU's 27 member states have ratified the Convention.

In recognition of the vast problems that many tour, concert and festival organisers, agents, management companies, cultural organisations and others face when presenting artists from non-European countries, the European Parliament in May 2007 called on the EU Commission to “reflect on current visa and work permit arrangements applicable to artists and begin to draw up Community rules in this area which could lead to the introduction of a specific temporary visa for European and third country artists such as already exists in some Member States”.¹

The Parliament stressed the “need to take account of the difficulties currently being encountered by a number of European and third-country artists as a result of visa requirements with a view to obtaining work permits and the attendant uncertainties” and the Parliament pointed out that “artists with short-term employment contracts currently find it difficult to fulfil the conditions for obtaining visas and work permits.”

Problems regarding mobility for artists from non-EU countries coming to Europe and non-EU citizens residing in Europe as artists have further been dealt with by several other organisations e.g. the EU Commission funded “Study on impediments to mobility in the EU live performance sector”.²

Cultural exchange and mobility is however not solely a concern from the idealistic perspectives on qualities of life, human interaction and development of understanding and

¹ EUROPEAN PARLIAMENT: Session document, FINAL A6-0199/2007 - 23.5.2007
Report on the social status of artists (2006/2249(INI), Committee on Culture and Education
Rapporteur: Claire Gibault, section: Visas: mobility and employment of third-country nationals.

² Study On Impediments To Mobility In The EU Live Performance Sector And On Possible Solutions.
Author/ Researcher: Richard Poláček, Consultant - European Affairs, Gdańsk, Poland
Editor: Pearle* (Performing Arts Employers Associations League Europe) –
Sainctelette square 19/6 – B-1000 Brussels

respect between various and varying communities. It must also be recognised to be an area for the conduct of legitimate businesses. According to a recent study prepared for the European Commission³, “The cultural and creative sector is a growing sector, developing at a higher pace than the rest of the economy. The same applies to employment. Indeed this sector provides many different and often high skill job opportunities, and again the sector’s growth in terms of jobs outperforms the rest of the economy.”

The same report states that “In 2003, the turnover of the cultural & creative sector in Europe amounted to € 654,288 million. In terms of value added to the European economy as a whole, it represented 2.6% of Europe’s GDP”. It also states that “In 2004, at least 5.8 million people worked in the sector, equivalent to 3.1% of total employed population in Europe.

Accordingly, the European Live Music Forum ELMF, representing many of the business stakeholders in European music industries, has established a working group on Cultural Diversity, Visa and Work Permit issues involving both artists and production services – incoming and outgoing to and from the European Union including emerging practices of additional regulation by establishing requirements for work certificates. The working group notes that the accumulated effects of the various problems related to visas and work permits now affect all segments of the live music industries.

As mentioned in the introduction of this White Paper, the UNESCO Convention On the Protection and Promotion of the Diversity of Cultural Expressions specifically addresses measures that are relevant to mobility and cultural exchange, e.g.

Article 14 – Cooperation for development

- (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
- (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;

Article 16 – Preferential treatment for developing countries

- Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

The question "To what extent current legal frameworks of visa and work permits of EU and the individual Member States facilitates 'preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries'" need hardly be asked. The answer is all too obvious. It doesn't!

In fact it places artist and all service providers involved at a severe disadvantage to the extent that cultural exchange and the conduct of business involving artist from developing countries is rapidly diminishing and in some instances has almost come to a standstill.

It is the aim of this “White Paper” to address issues that are relevant to political fora such as The European Commission, The European Parliament and Council of the European Union.

However we would like to point out that it is essential that the visa issues are also resolved at national levels in Parliaments and relevant Ministries. We have therefore included a selective list of national initiatives dealing with visa issues.

³ The Economy of Culture In Europe; October 2006.
http://ec.europa.eu/culture/key-documents/doc873_en.htm

CURRENT RULES AND PROCEDURES

To understand the problems that arise for artists and tour organisers it is essential to point out that whereas most festivals operate within national territories, tours operators work on a transnational basis. A tour can for example, include concerts in France, Denmark, Germany, UK and Spain. As the principle of Schengen visa for visitors travelling in several Schengen countries is based on "application at point of entry" the organisers of tours during one year of work may have to deal with embassies/consular offices representing several EU countries and in this process, to their great misfortune, experience the lack of harmonization and service provided.

When a tour organiser presents several concerts in different countries they occasionally come up against the fact that certain embassies will apply the principle of "application for visa at the Embassy or Consulate of the country which is the main destination" regardless of the general principle of "point of entry". To give an example; if a touring band is entering Europe through Frankfurt and have three concerts in Germany and later five concerts in France, the German Embassy in the country of the applying artist may request the artist to apply at the French Embassy. Thus applicants and concert organisers find themselves experiencing a "Kafkaesque" situation.

In practice, the Schengen countries often apply rules and procedures that differ from country to country. As an example countries apply different rules to documentation. When a Schengen country, Denmark for example, has not established a visa office in the country of the applicant; another Schengen country can represent Denmark. In this case the applicant (and the concert organiser) will now have to understand the rules and procedures of the representative country, as the country representing Denmark does not apply the Danish procedures. The country representing Denmark, for example The Congo, can request types of documentation from the applicant other than what Denmark would not request and vice versa.

Bona Fide/Multiple Entry

Some embassies granting Bona Fide visa (entrance to applicant country only) seem hesitant to grant multiple entry visas for artists although the tour promoters can provide evidence of contracts of several concerts in Europe during a six months period. These concerts may not be always be organised in sequence but with some intervals where the artists return to their home country or tour outside EU. **If the artists were granted multiple entry visas for Schengen they would not suffer numerous and repeat visits to Schengen embassies and the embassies would avoid "double work".**

Consultation period

In some countries Embassies are not allowed to grant Bona Fide visa without consulting other Schengen countries. This prolongs the period of processing by several weeks.

Documentation

On their websites embassies and consular services often provide lists of documentation that **can** be requested. However some countries do not specify which documents (bank accounts, national ID etc) **are** demanded. For organisers dealing with several countries the paper work is immense.

Period of processing

The time factor is very important for all parties involved. Applicants often find it difficult to track down the staff dealing with an application and the time frame involved in processing is extremely unclear. One Ministerial survey shows that processing of visas for business visits in some countries can take up to 69 days⁴. Whereas international freight companies operate electronic registration systems with a tracking number, it is impossible for applicants to electronically track their visa applications in the systems. As a result, administrators as well as applicants find themselves engaged in several expensive and time-consuming phone calls and repeated visits to embassies or consular offices.

⁴ Danish Ministry of Refugee, Immigration and Integration Affairs:
Report from the working group regarding visa administration, business and tourism, December 2007

METHOD OF THE STUDY

In addition to studying various reports on conventions, mobility and visa rules, correspondence has been entered into with embassies, administrators have been engaged in conversation and case studies have been collected from European tour operators, festivals and artists. The case studies reveal how the respondents experience the current situation. It has not been within the framework of this “Whiter Paper” to challenge the Embassies and Consular Offices with the descriptions, neither have we had the resources to verify the responses to the questionnaire. The responses to the questionnaire give a very nuanced and informative insight into how the current system is understood and experienced by some of the principal operators in Europe.

The respondents were requested to describe briefly how they analyse the structural problems in terms of obtaining visas and work permits for artists coming to EU and/or to Schengen membership nations, or within and between EU countries.

Further, the respondents were requested not only to describe their experiences of visa processing but also the financial consequences of the current system.

Case history observations

Among the most frequently mentioned problems and procedural challenges related to visas and work permits for artists coming to EU and/or Schengen countries were:

- Lack of harmonised visa and work permit application procedures at (EU/EC) embassies and consular services across the world, especially when dealing with cultural groups, artists and performers applying for visas/work permits for Schengen/Non-Schengen countries.
- Schengen embassies or consular services, in spite of the provisions of the Schengen acquis, often seem to avoid taking overall responsibility for the entire Schengen area. This results in applicants being forced to deal with a number of agencies.
- When artists are faced with a refusal, consulates apparently consider that they have no obligation to explain their decision. This effectively excludes any possibility for appeal. Yet on many occasions, refusal has turned out to be due to simple misunderstandings or mistakes by either the applicant or often, by the consular staff. It has been reported that sometimes when entry has been refused to one of the Schengen countries, the denial has been noted in the Schengen Information System (SIS) categorising the applicant as a third-country national declared ineligible to enter national territory. When this occurs it is difficult, if not entirely impossible, for the artist to obtain entry through other consulates.
- Some embassies or consular services represent other Schengen member states and other countries. Local staff often deals with these issues without knowing the country specific visa-procedures - if any - for cultural groups and performers. Even when staffed with cultural attachés, organisers often find that the attachés have little or very limited knowledge of all the country specific rules/procedures for cultural groups and performers.
- That it is extremely costly and disruptive when, for example artists, agencies or managements need to revise an issued Schengen visa, due to tour-extensions, changes of dates and/or venue et cetera. Artists are required to leave the Schengen area and return home to re-apply or renew the visa at a Schengen representation in their home country.
- The distance often necessarily travelled in accessing embassy or consular services in the artists'/performers' country of origin (or neighbouring country) entails a disproportionate amount of time for travel and is extremely costly for artists. The visa application process is often very time consuming, expensive and the outcome is always uncertain.

- The requirement for biometric information (digitalised photos, finger prints and more) means that artists need to do go through the entire application process including biometrics EACH time that they travel abroad, despite being frequent travellers. This is further complicated when biometrics have to be done at embassies or consular services in neighbouring countries.
- Problems arise from the non-harmonization of categories and 'status' definitions of 'artists' or 'cultural performers'. The complexity of the application and granting of visas is greatly increased, as country representations seldom deal with all of the mentioned 'statuses'. Differences between the Napoleonic system and Common Law further complicate the issue as countries historically affiliated with the former tend to perceive artists as employees while countries more comfortable with the latter generally regard artists as being self-employed. Both systems generally fail to relate to actual business practices whereby artists – whether employed or hired as self-employed – are contracted by an agency, a management company or other service provider for within the framework of the Service Directive.
- There is no single information system advising applicants on the procedural differences between Schengen countries.

Compounding the problem is of course that not all EU member states are signatories of Schengen. The United Kingdom, for example, requires an entirely different set of procedures making mockery of the concept of a "European tour".

CASE HISTORIES

In order to understand how current procedures are particularly disadvantageous for touring artists, tour organisers, concert promoters, festivals and many other businesses in the field of music a few case stories might be illuminating.

Case A - File reference VQ001

In early 2007, the German Embassy in Kinshasa refused to issue visas for a group of seven musicians - no explanation was given. The band, which has existed for twenty-five years, had previously toured Europe including Germany on several occasions in 2005 and 2006. As the first performance of the spring tour 2007 was scheduled to take place in Berlin the Schengen visa applications were submitted to the German Embassy. Following the visa refusal by the German embassy time restraints did not allow for new visa applications to be submitted to an embassy of another Schengen member state. Additionally problems arose from the refusal being noted in the Schengen Information System (SIS). A number of scheduled performances in other European countries had to be cancelled in addition to the German dates, amongst them a number of shows in the UK which, although not signatories to the Schengen Agreement Application Convention (SAAC) participate in the Schengen co-operation under the terms of the Treaty of Amsterdam. Adding to the problem was the fact the European tour itinerary included a brief intermission for a number of US appearances by the band. Accordingly, in order to secure the bands availability for the US dates, flight tickets had been bought and paid in full based on a departure from and return to Europe. As the European tour had to be cancelled new flight reservations at great expenses had to be secured from Kinshasa to the US while no refund could be obtain for the tickets already bought from Europe to the US. The arbitrary nature of visa procedures was evidenced when the Swedish Embassy in New York, after intervention by the Icelandic government, during the bands US tour eventually issued visa documents which allowed them to fulfil their commitment to perform in Reykjavik which were part of the otherwise cancelled European itinerary. Again of course this had severe economic consequences for the Icelandic promoter as regards the bands' travel costs.

The arbitrary nature of current visa procedures was further illustrated when the band was eventually granted visas for extended European tours in June and October 2007, including

performances in Germany in addition to finally being allowed to return in November 2007 for the performance in Berlin for which visas were originally refused.

Case B - File reference VQ002

A group of Sufi musicians and dancers from Gujarat in western India were scheduled to perform in Germany, the Czech Republic and France in October 2007. The group had previously toured Europe extensively in 2004, the US and Canada in 2005 and the UK in 2006. As the first concert on the scheduled tour was to take place in Paderborn, Germany visa applications were submitted to the German embassy in Mumbai, India. The German embassy however would not issue Schengen visas because of France requiring work permits, therefore they offered the group to issue Germany-only (non-Schengen) visas valid for the German date only, and referred to French embassy for Schengen visa applications.

The French embassy on the other hand refused to issue Schengen visas because Germany was the first country of entry. The UK based tour organiser managed, after numerous contacts with the various embassies including three personal visits to the German embassy, to secure Schengen visas valid for the German and Czech dates only while the concerts in France had to be cancelled.

Case C - File reference VQ006

In 2007 a leading exponent of Ghanaian music and his three backing musicians applied for multiple entry Schengen visa to the German Embassy in Ghana and separately to the Swiss Embassy for Swiss visa. The applicant is an artist of international stature and former President of the Musicians' Union of Ghana, former President of the Copyright Society of Ghana and was 1998 – 2000 Professor of Ethnomusicology at the University of Washington in Seattle, USA followed by a similar position at the University of Michigan in Ann Arbor. He has also conferred the distinguished title of National Living Human Treasure, as advocated by UNESCO under Convention for the Safeguarding of the Intangible Cultural Heritage, by Ghana's Ministry of Chieftaincy and Culture.

After five personal appointments with the German embassy the artist and one of the backing musicians obtained the required visas. Visa for the two other musicians were refused, which was noted in their passports. No reason for rejection was given to the applicants. After several contacts with the cultural attaché of the embassy the German based tour organiser was eventually explained that the Embassy did not approve local documentation of their artistic work in Ghana and the fact that both were married, residing in n Ghana was deemed to be insufficient indications of their intent to return after completing the tour. The Embassy required further documents from abroad to prove that two musicians are rooted in Ghana and willing to return back to Ghana after the tour.

After numerous discussions, and possibly due to the fact that the planned tour of in total twenty-four concerts and six lectures was sponsored by the Minister President of North Rhine Westphalia, the German embassy finally agreed to accept renewed applications from the two musicians with new and supplementary documentation. These applications were then accepted and visas accordingly issued.

All in all the process required the bandleader to make a total of nine trips from Kumasi in Ghana's Ashanti region to the coastal capital Accra. While the distance is a manageable approximately 300 kilometres, local transport conditions means that this requires one full day of bus travel in each directions and an overnight stay in a hotel. The backing musicians each had to make between four and eight similar journeys. The quartet in total spent 54 working days travelling to and from the German Embassy in order to secure visas for one-month duration. The cost to the tour organiser for visas, travels, accommodation and other expenses soared. The inconvenience to the artist and musicians was immense as was the perception of indignities suffered.

Case D - File reference VQ006

A group of Gnawa performers, represented on no less than nine CDs distributed in Europe were scheduled to perform in Germany with a brief intermission in the tour for a few performances in Armenia. The tour itinerary called for flight transportation from Morocco to Germany, from Germany to Armenia and back with a later return from Germany to Morocco. The ensemble, assisted by the German tour organiser, applied for multiple entrance visas to the German embassy in Morocco. Required documents of invitations and more were submitted with the applications including detailed tour itineraries with exact travel arrangements, dates and ticket references. For unexplained reasons the embassy eventually issued single entry visas. As the applicants were only able to read Arabic and no verbal communication of this fact was given when they collected their visas the unfortunate circumstance was not brought to the notice of the tour organiser.

Having completed the first part of the German tour and having proceeded with the performances in Armenia the ensemble was refused boarding on the booked return flight to Germany because they did not have multiple entry visas.

Only after several days of negotiations with the German embassy in Armenia, the German embassy in Morocco, the visa department of the Ministry of Foreign Affairs in Germany and between both embassies in Yerevan and Rabat, the ensemble was finally issued new transit visas. The tour organiser had to pay the full costs of the second set of visas including supplements for express handling of the same, extra fees for changing the dates of the return tickets and the cost of hotel accommodation in Yerevan while the situation was resolved.

Case E - File reference VQ009

One of Mozambique's most revered bands resides in Lichinga, the capital city of Niassa Province in the northern part of the country. They regularly perform abroad, often in the UK. The UK Visa Application Centre - where visa applications have to be submitted and biometric data will be collected - is located in Maputo in the very south of Mozambique, a distance which cannot be covered by road and for which air travel is the only viable option.

Accordingly the eight band members have to fly to Maputo each time UK visas are required to submit their applications, supplemental documentation and have their biometric data collected. The visa applications are then transported to the British High Commission in Pretoria, Republic of South Africa for processing. As this processing normally takes two to three weeks it is not an option for the band to be accommodated in Maputo for the duration. They therefore return to Lichinga to await approval of the applications. The cost of the journey from Lichinga to Maputo and return is approximately € 2,600 each time added to which should of course be visa fees at approximately € 2,200 for the group. On the last occasion of application for UK visas one band member was initially denied a visa without explanation. The UK tour organisers had to fly the entire band to Maputo for a second time, as all the required biometrics had to be done at the same time. Once all visas were granted the band naturally had to fly for a third time to Maputo to get on their international flight to the UK, which of course at this point had had to be re-scheduled at additional expense and two UK performances had to be cancelled due to the delay in arrival.

Case F - File reference VQ016

A Malian duo has for the past three years toured internationally with great success. Their French tour organisers report more than 350 concerts in this time period and record sales in the region of 500,000 copies. Current UK regulations require that work permit visas are submitted in the country of which the applicant is a national or legally live. Since there is no UK embassy or visa application centre in Mali the artists are obliged to go to Dakar in Senegal in order to apply for UK visas. As both artists are blind they are unable to travel unaccompanied which naturally further adds to travels and accommodation costs.

The fact that a number of special event appearances, festival performances and other opportunities come up with relatively short notice and at times on occasion where the artists are already on tour elsewhere add to the problems related to the requirement that applications must be submitted where the applicant is a national or legally live. Or in this case in a neighbouring country since no UK representation is available where they do live.

Case G - File reference VQ

A revered Gambian Kora player and 'Jali' – a storyteller also known as a Griot in the Mandinka language – was invited to Sweden 2007 to perform at an international conference attended by, amongst others, His Majesty King Carl XVI Gustaf of Sweden, then UN Secretary-General Kofi Annan, former US President Bill Clinton and a number of other statesmen, politicians, academics and international industry leaders. The Jali is also a respected scholar and founder of West Africa's first school of traditional music for children.

As there is no Swedish embassy in Gambia, the Jali had to travel to Dakar in Senegal to submit a visa application, a journey involving one day of travels in either direction in addition to one day in Dakar to visit the Swedish Embassy. The Swedish promoter contacted the embassy in Dakar prior to the Jali's visit and sent all appropriate documentation including flight arrangements, insurance cover and more. In accordance with current Swedish legislation – specifically that performing artists, their technical staff and other tour staff contracted to work temporarily in Sweden for no more than 14 days during a 12-month period do not require work permits - a written invitation from an established organiser was also attached. Adequate funds to cover visa application fees, the Jali's travel and accommodation costs for the visit to Dakar and other expenses were transferred to the Jali by Western Union.

The staff at the embassy in Dakar was unaware of current Swedish legislation. The Jali was obliged to submit and pay for an application fee for a work permit in addition to the visa. When the Swedish promoter was informed about this upon the Jali's return to Gambia a number of contacts took place with the Swedish embassy. Eventually the situation was resolved but the Jali had to return to Senegal once more to fill out a renewed visa application as the first had been administratively tied to the un-necessary work permit application. The Jali then had to return to Senegal a third time to collect the visa when it was finally approved two weeks later. All in all three visits to Senegal, each requiring three days of travel, in order to make the one scheduled performance in Sweden. The costs of travels, accommodation and other expenses in addition to the visa application fees – it should be noted that the fee for the unnecessary work permit was non-refundable even though it had been submitted at the express demand of the embassy staff – were of course in the end substantial.

A pattern is clearly discernible.

CONSEQUENCES

Most respondents point out the financial losses incurred, when visas are rejected or are not provided in time.

Others state that they have stopped working with artists from non-EU countries/ developing countries due to the time-consuming visa procedures and additional risks of financial losses. Some US organisers in a similar manner have reduced, or have entirely stopped, working with artist resident outside of North America.

Almost 80% of the respondents feel that the current visa procedures are damaging the music sector in Europe and collaborations with visa offices in developing countries are neither flexible nor efficient.

Creative companies working with artists from Non-EU/Non-Schengen countries are often very small. Therefore the extremely time consuming visa procedures may prevent cultural projects from being realised, and several respondents point out that this leads to significant decrease of the cultural diversity on the European cultural scene.

Seen from the perspective of artists from these countries, they lose an important market and essential networking options. As one respondent reflects:

“The rejection of visas reduces the opportunities for artists’ sometimes whole families and even whole villages, in less developed countries to rise above poverty and thus lead better lives”

It is equally important to understand that visa issuing offices – and hence the EU countries - are judged by their attitude to artists. Several European countries wish to improve their cultural and public diplomacy, but many artists are treated with a lack of respect. They experience the paradox of being invited by mayors of European City councils, government-financed cultural bodies in the EU and respected cultural organisations and the contrast on the ground reality once they enter our Embassies and are looked upon as potential illegal immigrants. One respondent reflects:

“Visa application procedures have huge human costs. Artists are subject to pointless queuing, often in disgraceful conditions and subject to disrespectful treatment by embassy staff.”

RECOMMENDATIONS

If European countries are serious about honouring their ratification of the UNESCO convention – specifically article 16 - they need to actively make visa / work permit procedures and access to the European market more flexible, transparent and homogenous. An example would be implementing the exemption of work permit requirements for artists, under certain conditions, such as – granted with different set of rules is - currently used in Sweden, the United Kingdom and others on an EU basis. Turkey, although not an EU member, can also be seen as an example.

Another would be the creation of a specific category of short-term, multiple entry visas for touring artists and specify the handling of such in the Common Consular Instructions On Visas For The Diplomatic Missions And Consular Post. As artists, and for that matter athletes, are treated as special cases in other matters – withholding taxation based on article 17 in the OECD Tax Model being a case in point – this would seem to be logical.

In order to do so it is extremely important that ministries dealing with immigration, work permit and visa permits co-ordinate their administrative procedures in respect of, and in collaboration with relevant ministries administering the EU and National Cultural and Development policies.

Regarding Schengen, it is obvious that the current lack of transparency of rules and procedures are a cause of great frustration and additional costs. The establishment of a unified information system for applicants and administrators alike is required.

Further, the development and introduction of a tracking number and a system of electronic registration would add to the transparency and efficiency of the current system.

One stop entry points (where one office, irrespective of entry point to Europe, could handle applications for the whole Schengen area) in combination with multiple entry permits would be an obvious improvement; particularly if the visas / work permits were to be valid for a prolonged period.

Co-ordinating whatever solutions or improvements that can be created within Schengen with non-Schengen signatories such as the United Kingdom seems to be of equal importance from a EU perspective.

Negotiating reasonable, if not reciprocal, procedures between EU and the US in order to safeguard equal market access for artists from each area is another urgent priority.

While long-term solutions are created a few suggestions, based on the questionnaires, for improvements of the current system would be:

- Ensure that all embassies, consulates or other representations are well informed; service minded and follow harmonized procedures, guidelines, standards, papers, documents etc.
- Ensure clear procedures and require that explanations for refusal of a visa must be given when all the procedures are respected, in order to make it possible to enter an appeal in due time.
- Handling of artist visa matters exclusively by the cultural attaché at point of application and not via reception centres in the regular visa department.
- Investigate the possibilities of “world wide recognition” of touring artists' passports.
- Introduction of harmonized biometric data collection for all Schengen and EU countries.
- Implementation of a system that does not require biometrics to be renewed more than every four years.

- Introduce a system that does not require the applicant to apply “in person” once biometrics are established in a central database and that passports/visa applications can be delivered and collected by others representing the artists.
- Ensure a procedure that benefits artists and performers that have worked and/or performed within the EU/Schengen area before, so they don’t have to repeat all of the application procedure each time.
- Initiate a process whereby a “certification system” of European festivals and tour organisers may ensure that these are well established, credible and entitled to respectful and fast handling by visa offices.

Finally the organisations behind this “White Paper” would like to urge all relevant EU bodies to establish a forum involving practitioners, agents and relevant organisations in order to develop quick and practical solutions.

ANNEX 1

RESPONDENTS		
BELGIUM	Divano Production	Production, management and world booking
	ACV Transcom CULTUUR	Union for artists
DENMARK	Roskilde Festival & Global CPH	Music Programming and booking
FRANCE	Marc Antoine Management	Global touring African artists
GERMANY	Alba Kultur	Festival and Tour Organizer, Manager, Producer, Consultant
GHANA	<i>Nyanla Creation Production</i>	(Okeyman Records) Music Production
ITALY	<i>Fondazione Adkins Chiti: Donne in Musica</i>	Int. Foundation
	<i>Tour de Force</i>	Management and Booking Agency
	<i>El Caiman Producciones</i>	International Booking and Promotion
SPAIN	<i>Producciones Artísticas Serrano</i>	Artist Production
	<i>Levinson-concerts</i>	Booking agent and management
	<i>Adastra</i>	Music Admin
UNITED KINGDOM	<i>KAPA Productions</i>	Tour Production and artists management
	<i>Poo Productions Ltd</i>	Record label, artist management and film production
	<i>Roots Around the World</i>	Concert Promoters and Booking Agency
INTERNATIONAL ORGANISATIONS		
	<i>ECA</i>	European Council of Artists
	<i>EFWMF</i>	European Forum of Worldwide Music Festivals
	<i>ELMF</i>	European Live Music Forum
	<i>Freemuse</i>	The World Forum on Music & Censorship

ANNEX 2

NATIONAL INITIATIVES REGARDING VISA ISSUES:

In several European countries music industry stakeholders, promoters, artists and others have initiated national campaigns addressing the increasing problems related to visa and work permit issues. So far, however, a website or “a pan European office” where all relevant and updated information on rules is available has not been created.

Neither has a pan-European summit – including all relevant partners - been organised to exchange and discuss experiences, strategies and suggestions.

It is not within the mandate of this White Paper to investigate all national rules and procedures, but we would like to mention a few campaigns and initiatives and suggest that relevant European political and administrative bodies consider how they can improve the current situation for artists and organisers.

AUSTRIA

Under the banner of “Abgesagt”⁵ (Cancelled), the IG World Music Network is addressing visa issues in Austria. The network consisting of artists, management companies, booking agencies, promoters, venues, journalists, and festivals working in the world music-genre has since 2006 campaigned for less bureaucratic visa procedures, transparency in decisions and described the negative effects of the current systems.

Abgesagt has further initiated online petitions with the purpose of changing the cultural climate which is described as “hostile and inhuman to foreigners” – (kulturfeindlichen and unmenschlichen fremdengestzes).

FRANCE

Zone Franche (ZF) is a large network of professional musical organisations (festivals, records companies, producers, artists' organisations etc.).

In May 2008, ZF organised a meeting about “artists circulation” during the festival “Musiques Métisses”, in Angoulême. The meeting included a representative of The French Ministry of Foreign Affairs and festival directors.

The festival directors presented a number of cases where visa procedures had led to cancellations of artistic presentations and huge financial losses to organisers and artists. The meeting presented some of the regulations and procedures that prevent a free flow of professional cultural presentations and some of the obvious paradoxes of official cultural policies.⁶

One of the paradoxes of current policies was pointed out: on one level French organisations such as SACEM and official institutions such as Cultures France support artists in these countries. French Cultural Institutes even promote their art, but when the very same artists are invited to tour France they face several problems regarding visa and work permits.

⁵ See www.abgesagt.net

⁶ See www.zonefranche.com/pdf/synthesedebat11mai.pdf

Didier Le Bret, advisor to the French Ministry of Foreign Affairs, during the meeting recognised that indeed the parts of the French policies could be seen as “schizophrenic” and that there was a need for close collaboration between legislators and culture event promoters.

A few European states have changed some of their procedures as a result of these campaigns. Some initiatives are linked to linguistic/former colonies zones e.g. francophone.

GOVERNMENT INITIATIVE: -Comité Génération Afrique:

At the initiative of (now former) French Minister Jean-Marie Bockel, Secrétaire d’Etat chargé de la coopération et de la Francophonie, a committee of 10 African and French artists was created in October 2007, under the name of Comité Génération Afrique.

The committee consisting of well-respected artists and personalities such as Manu Dibango, Yann Arthus Bertrand, Youssou N’Dour and Jane Birkin have put forward various suggestions regarding investment in the arts and culture sector.

As a consequence of discussions regarding mobility of African artists, the French Government – at the initiative of Minister Bockel and Minister of Foreign Affairs, Bernard Kouchner – issued new instructions to its African Visa offices in order to make procedures simpler and more efficient.

The instructions were issued as:

Délivrance des visas aux ressortissants africains ayant une activité professionnelle à caractère artistique, culturel, universitaire ou de recherche (19 février 2008)⁷

According to the instructions the visa offices abroad shall distinguish between African artists who already has performed several times in France/resided in France – and are regarded as professional artists – and newcomers.

The initiative allows established African artists to receive multiple visas and work permits for France and has been welcomed artists as well as organisers.

However, the initiative is also criticised by several organisers and managers presenting “new talents” as they find the rules discriminatory.

The initiative, according to its critics, opens up for French embassies and French Cultural Institutes in Africa to become “judges of taste and talent”, a role the organisers feel more qualified to play.

UNITED KINGDOM

A vast number of artists and music industry organisations have been involved in various initiatives regarding visa issues. Some of these initiatives have primarily been focussing on visa issues for artists from so-called non-visa countries such as America, Canada and Australia.

At a certain stage, there was a fear that new strict visa rules would require artists from these countries too supply biometric data in person at a registered office. However after consultations and lobbying and campaigning the Home Office made a U-turn. Therefore artists coming to UK from a non-visa country for less than three months will not need a visa or permit, but merely a sponsorship certificate.

⁷ Delivery of visas to African nationals engaged in professional artistic, cultural, academic or research activities (19 February 2008) - <http://www.diplomatie.gouv.fr>

For artists coming from countries requiring visas procedures however continue to be complex and costly.

Some of the organisations and industry organisations involved in campaigns, lobbying and consultations in UK are:

National Campaign for the Arts, NCA
Arts & Entertainment Task Force
Musicians Union
Agents Association
Concert Promoters Association
Music Managers Forum

The UK Border Agency under the Home Office, introduced a new points-based immigration system in 2008. The planned policy for the creative and sporting sub-category within Tier 5 of the points-based system is scheduled to be put into place at the end of the year. The system is explained on the home page of the Agency at www.bia.homeoffice.gov.uk

IRELAND

Visual Artists Ireland (VAI)

Barriers to international mobility for artists:

VAI in spring 2008 hosted a public consultation addressing how “immigration rules are creating difficulties for artists requiring visas to enter the UK and the Republic of Ireland.”⁸

VAI expressed concern that:

“Immigration policy and procedures may be compromising our independent decision making around programming and selection of artists we want to work with.”

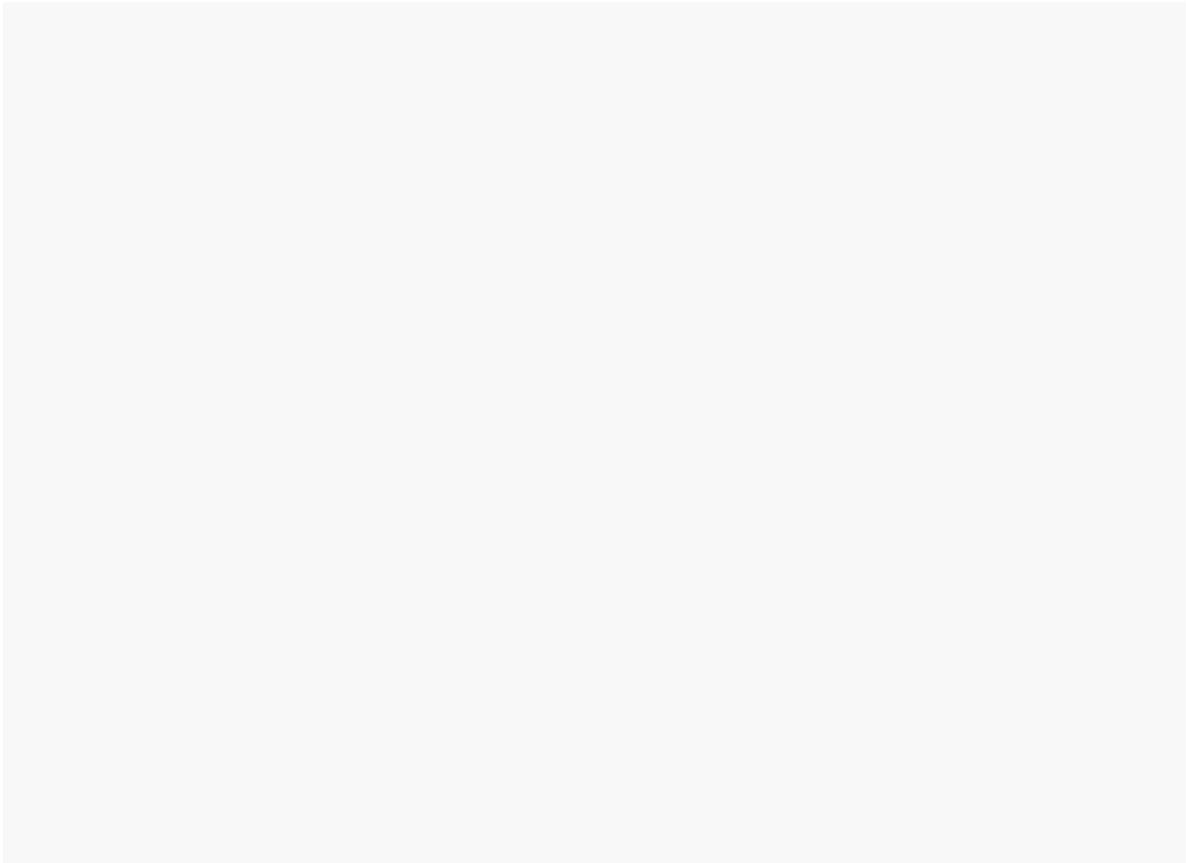
The public consultation agreed that:

“...a generally inhospitable atmosphere of suspicion and closure... ...suggests that artists and cultural workers, particularly those born in parts of Asia, Africa, The Middle East and parts of Eastern Europe, are being regarded with suspicion and required to provide evidence of artistic credentials that many of us simple regard as unrealistic and inappropriate.”

The consultation also noted that:

“Application systems lack clarity and transparency and with the introduction of outsourcing to commercial agencies like World Bridge official departments are increasingly difficult to contact and are unaccountable.”

⁸ The Visual Artists’ News Sheet Issue 4 2008, Pauline Hadaway: Barriers to international mobility for artists



Other

Platform for Intercultural Europe

THE RAINBOW PAPER

Intercultural Dialogue: From Practice to Policy and Back

25th September 2008

This document presents the Platform for Intercultural Europe, a civil society initiative taken in the context of the European Year for Intercultural Dialogue 2008, sets out this Platform's approach to Intercultural Dialogue and delivers its recommendations both to its own constituency and to public authorities at all levels in Europe, using the European Union as the point of access.

This paper is the result of a participative process in which many organisations came together to shape the voice of European civil society in the field of Intercultural Dialogue. The signatories of this paper thus recognise this voice as their own and commit to making it heard politically.

Editor: Sabine Frank (platform coordinator)

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Primary Sources: e-mail consultation conducted by the Platform in 2007 and 3-day seminar in October 2007; on-line consultation in 2008, and consultative meeting on 4th June 2008.

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THE PLATFORM FOR INTERCULTURAL EUROPE¹

I. Formation

The *Platform for Intercultural Europe* was set up as the *Civil Society Platform for Intercultural Dialogue* in 2006 by the European Cultural Foundation (ECF) and the European Forum for the Arts and Heritage (EFAH; now Culture Action Europe) with the support of the Network of European Foundations (NEF)², on the occasion of the European Year of Intercultural Dialogue 2008. In accordance with the project to write a Rainbow Paper (a policy paper dealing with the needs arising from cultural diversity and hence not covered by “white” or “green” papers), it has also during this time been called the *Rainbow Platform*. Over 200 civil society organisations (local, national and European) have participated in its activities. The Platform links people and organisations promoting Intercultural Dialogue at the grassroots with those who work on policy. The Platform began with two organisations from the arts and culture field reaching out. Our core principle is firmly one of cross-sectoral engagement - we bring people together from the fields of culture, education, youth and social work, work on minority rights, and on anti-discrimination and human rights.

II. Mission

The Platform aims to contribute to four levels of change in Europe:

- *attitudinal* – leading to a greater appreciation of diversity and the complexity of identities,
- *social* – working towards democratic inclusion and greater equity,
- *structural* - building capacities for change within organisations and constituencies in view of diversity, and
- *policy changes* – working for change at all levels, with the EU as the key communication point; enhancing standards and frameworks to tackle exclusion, inequalities and breaches of human rights related to cultural diversity.

III. Record

The Platform’s first year of work culminated in the paper “Practice Makes Perfect: A Learning Framework for Intercultural Dialogue”. It presented common views from across the sectors involved in the Platform at the opening of the European Year of Intercultural Dialogue in January 2008. After an on-line consultation and live discussions we now present our policy paper for your endorsement. Hundreds of people have contributed to this paper. It stands out as a participatory exercise and as a piece of collective thinking (and convivial compromise), rather than as an exercise based on academic research principles. It can however be understood as complement to the raft of policy documents produced by international organisations, such as UNESCO³ and the Council of Europe⁴.

¹ More detailed information is available on: <http://www.intercultural-europe.org>

² A consortium within the Network of European Foundations (NEF) has been supporting the Platform for Intercultural Dialogue since its beginning. This consortium involves the following partners: Compagnia di San Paolo, European Cultural Foundation, Evens Foundation, Fondation Bernheim, Freudenberg Stiftung, Riksbankens Jubileumsfond.

³ Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005.

⁴ White Paper on Intercultural Dialogue, 2008.

THE RAINBOW PAPER

We, civil society organisations and citizens, active from the local to the European level, and working in domains ranging from the arts, education, youth and social work, to work on minority rights and anti-discrimination, agree on this Rainbow Paper as a call for social action and change. We believe that Intercultural Dialogue and intercultural action need the commitment of civil society actors and public authorities.

(The collection of signatures takes place online at <http://rainbowpaper.labforculture.org>)

A. OUR APPROACH TO INTERCULTURAL DIALOGUE

I. The Three Principles of the Intercultural Experience: *Dialogue, Competence and Action*

Dialogue: We rally behind the following understanding of Intercultural Dialogue: “a series of specific encounters, anchored in real space and time between individuals and/or groups with different ethnic, cultural, religious, and linguistic backgrounds and heritage, with the aim of exploring, testing and increasing understanding, awareness, empathy, and respect. The ultimate purpose of Intercultural Dialogue is to create a cooperative and willing environment for overcoming political and social tensions”. (Definition from Rainbow Paper I).

Competence: While we consider such real human encounters to be at the heart of Intercultural Dialogue, these encounters need facilitation. People need to be equipped with skills for such a coming together. Capacity and skills must be created for Intercultural Dialogue.

Action: Beyond encounter and dialogue, we also value intercultural action: living, working and creating together. Practical engagement is more effective than debates. Most issues, from the resolution of violent conflicts to environmental protection to public health, are more successfully advanced by taking cultural differences into account, and by engaging constructively with diversity as a resource.

II. A Constructive Path: *From Intercultural Challenges to Interculturalism*

We are committed to taking the following path:

Step 1: Focus on disenfranchisement

We want to stop identifying conflicts in our interactions with “others” as foremost culturally and ethnically motivated when they are often actually rooted in socio-economic and political inequalities.

Step 2: Focus on attitude

We want to stop approaching culture only as a realm of difference, where cultural identities seem essentially irreconcilable. We want to ask first what we need to act on together and see what this requires us to do.

Step 3: Focus on competences

We want to improve conditions to cultivate multi-layered identities - for both individuals and groups. The development of intercultural competence is a pre-requisite for any fruitful interaction between cultures.

Step 4: Focus on what we have in common

Based on newly acquired competence we want to work towards developing a consensus of what values we have in common.

Step 5: Focus on what we can become - together

We want to seed intercultural innovation and facilitate intercultural action by public policies. We must make interculturalism, i.e. the principle of evolving cultures through intercultural engagement, our new human norm.

III. Value Premises

We consider diversity as a fundamental human asset. Peaceful coexistence opens up new avenues of productive cooperation. Intercultural Dialogue can turn our diversity away from being socio-cultural difference into active inter-group collaboration. Diversity necessitates exchange and negotiation over values and actions. It neither functions well if merely ‘managed’ (in the sense of granting everybody their cultural niche), nor if it leads to assimilation. Intercultural dialogue must be based on equality and thus actually result in more equal opportunities. Intercultural action should be motivated by a sense of human solidarity and increase where possible social cohesion as well as individual freedom. It should be a natural process for healthy societies where everyone can exercise rights and duties as citizens.

Economic arguments for intercultural dialogue must also be made (starting with immigrants’ contributions to national economies, or the significance of immigrant groups as particular markets, or the cost of non-integration of migrants and minorities in terms of social welfare, safety and policing costs). But at best, this approach is a complement to the ethical premises stated here.

IV. At the Heart of our Intercultural Dialogue Approach: *Migration and Minorities*

Migration, which has always existed, is currently perceived to be at an historic high in Europe. Doubtless, we are all faced with an increasing diversity of people in our cities due to economically or politically motivated migration and also due to professional mobility. We also have considerable indigenous minorities and traditional forms of diversity throughout Europe. Both immigrant populations and indigenous ones can and do constitute minorities. Sometimes conflicts escalate or riots erupt within our cities. On the doorstep of the European Union (the Balkans and the Caucasus), we are confronted with open wounds of war. Places and situations of conflict and post-conflict ask for Intercultural Dialogue as a way to mediate, and to facilitate reconciliation. In some cases the intersection of religion and culture becomes salient to questions of intercultural dialogue. Moreover, intergenerational dialogue can also become the linchpin of Intercultural Dialogue. Finally, differing memories and histories can be brought into play.

The Platform for Intercultural Europe has attracted interest from people working in all these domains. Rather than focusing on any specific type of cultural diversity and of Intercultural Dialogue, we are interested in drawing out generally applicable civil society contributions to local Intercultural Dialogue. Especially in the field of capacity building, these contributions include education, civic participation, social responsibility and dynamism, good communication, and creativity. This paper is therefore about the principles and conditions of engagement needed for Intercultural Dialogue to be fruitful.

Intercultural Dialogue and action is a necessary pursuit at all levels, from the local to the international, between European countries and between Europe and the rest of the world. Intercultural Dialogue is equally relevant to governmental missions and personal encounters. And clearly, the international has repercussions for the local.

However, our focus is on local diversities, related to migration or ethnic minorities. We suggest comparing local challenges and solutions, and to draw lessons from the Europe-wide experience. In our view trans-national communities such as the European Union need to develop guidelines on how to deal with diversity constructively. We plead for such guidelines and call for supportive frameworks that can have an impact on national and local actors.

V. Making Intercultural Dialogue Strong as a Political Project

In the concept of Intercultural Dialogue, cultural diversity is taken as a given, and also as something positive. Yet under this topic, we do not focus on the protection and promotion of cultural diversity as such. Many national or ethnic minorities in Europe and elsewhere feel the need to assert their specificities and demand respect. We acknowledge that recognition of difference and empowerment are the basis for engagement and acceptance of otherness. However, we consciously resist the restriction of the notion of Intercultural Dialogue to the promotion of difference and to the sometimes frankly incompatible group interests that can exist.

Intercultural Dialogue is a mode of engagement between members of socio-cultural groups that allows them to work towards developing a basic value consensus and concerted, joint action. We believe that although all citizens have the potential to engage in Intercultural Dialogue, without civil society actors' leadership this potential cannot develop into the everyday, local, communal practice of interculturalism. This is our central political concern and mission: to put intercultural dialogue into the service of local social change, the fostering of peaceful coexistence and cooperation in the communities where we live and work.

B. OUR RECOMMENDATIONS ON INTERCULTURAL DIALOGUE

The Essence:

Civic Commitment and Public Responsibility

- Not only public institutions and politics fail to meet the challenges of diversity and Intercultural Dialogue. We also know that we, civil society organisations, have to change. Our own performance often fails to meet our proclaimed standards, or those which we ask from others. We will look into our own practices of governance, representation, staffing, programming, and how we engage with our constituencies.
- Based on this self-reflection and commitment to civic organisational change, we therefore address our comments to public authorities and their responsibility for political change.
- We acknowledge that education lays the foundations for future intercultural competences and therefore urge for resources adequate to the task.
- We acknowledge that organisations, private or public, need to build the necessary capacities for change. We therefore request support for capacity building in and between organisations and institutions.
- Sustainable intercultural policies and practices need guidelines and monitoring. Therefore we urge the European Union to provide the necessary means and tools for monitoring, alerting and assisting.
- Private and public actors need to mobilise for Intercultural Dialogue across the board.
- Investing in the future of intercultural societies needs resources.

I. Educating

Education is the first and foremost place to encourage and practice Intercultural Dialogue. Formal, non-formal and informal education can contribute to Intercultural Dialogue. Intercultural learning should be promoted in every age group and across the spectrum of educational provision.

1. PRE-SCHOOL EDUCATION

Education for Intercultural Dialogue must start at the earliest age. Pre-school childcare facilities must be employed to guide the transfer of values and attitudes inherent in the promotion of Intercultural Dialogue, while taking care to involving families.

2. COUNTERING SEGREGATION BY SCHOOLS

Across Europe, schools exist which practice segregation on the grounds of ethnicity, religious affiliation or wealth. Segregation can amount to a form of discrimination. As a minimum measure, segregation by schools needs to be countered by obliging all schools to promote intercultural education and by making intercultural education part of all teacher training. The segregation of the children of minorities, for example Roma children, and immigrants as a result of poverty and social exclusion must be eradicated.

3. ERADICATING DISCRIMINATION IN SCHOOLS

Discrimination happens in schools even if they do not practice segregation through their intake criteria. Actions are needed to eradicate discrimination in schools including awareness raising campaigns and intercultural training.

4. EDUCATIONAL CONTENT IN SUPPORT OF INTERCULTURAL DIALOGUE

Intercultural Dialogue needs supportive educational content across school subjects, while prioritizing the teaching of cultures and the history of religions, of migratory movements and of minority cultures.

5. ENABLING TEACHERS TO PROMOTE INTERCULTURAL DIALOGUE

Professional educators and school management staff must also be involved in awareness raising, and receive intercultural skills training.

6. RAISING THE STANDING OF NON-FORMAL EDUCATION

Today's societies place a lot of emphasis on the formal education system. The many and varied skills and competences needed for effective Intercultural Dialogue which are obtained in a non-formal context are usually undervalued and often ignored. Skills gained in such contexts must be recognised, also to enable those who have developed them to progress.

7. RECOGNITION OF THE COMPLEMENTARITY OF NON-FORMAL EDUCATION WITH FORMAL EDUCATION

The work of schools for Intercultural Dialogue is best achieved if they are an open, dynamic space allowing for cooperation with all other forms of education.

8. RECOGNITION OF INFORMAL INTERCULTURAL EDUCATION THROUGH THE ARTS

The arts play a key role in Intercultural Dialogue. Intercultural Dialogue is conducted by and between artists; their audiences are inspired accordingly. Many works of art communicate across borders and boundaries and so they can be seen as vehicles of Intercultural Dialogue. Much art draws from many different cultures and is thus intrinsically intercultural. The arts also facilitate participatory processes. Active involvement in artistic and cultural activities allows for an easier understanding of other perspectives, the existence of other memories and histories, the capacity to take risks, the ability to be confident in your peers, the skills to be creative, the knowledge to analyse reality critically. The participation of citizens in cultural activities helps prevent discrimination. Today, the process of human development, which is individual, cannot be complete without the unique inputs provided by the arts. However, the skills gained by those partaking in artistic activity are often left unrecognised due to their perceived immeasurable nature. Although we by no means call for the strict development of a measurement system for such skills ('formalising the informal'), we do call for the general recognition of the part the arts play in developing both Intercultural Dialogue and tolerance. This recognition should be shown through greater funding of the arts and the extension of greater support to artists.

9. RECOGNITION OF INFORMAL INTERCULTURAL EDUCATION THROUGH THE MEDIA

Many ideas related to issues of cultural diversity, ethnic groups, minorities, discrimination, segregation are conveyed by the media. Thus, the media have a special responsibility in shaping people's attitudes and opinions. Media professionals must have access to training to become skilful creators and producers of media messages related to Intercultural Dialogue. They must help ensure a balanced media space where there is no over-emphasis of the tensions and the problems that periodically arise. Listening to the voice of the Other and helping people to understand why there are different perceptions of reality is a core challenge of the media. It should not only be faced when conflicts arise, but be a current concern and feature accordingly in the codes of conduct of media.

II. Capacity Building by Organisations

Intercultural Dialogue is essentially the activity of individuals. Yet individuals largely live in and through organisations, predominantly in their places of work. Be they public institutions, enterprises or civil society organisations – their structures, and the rules by which they function, determine how much they help foster and valorise cultural diversity in society. They define their capacity to enable Intercultural Dialogue. Capacity building for Intercultural Dialogue in and between organisations and institutions must be supported.

1. REVIEWING STAFF COMPOSITIONS AND GOVERNANCE STRUCTURES

The staff composition and governance structures of organisations and institutions must reflect the multi-cultural character of the constituencies they serve. Recruitment, training and promotion policies must be developed. This needs incentives and organisational development processes.

2. SERVING CONSTITUENCIES

An on-going identification of constituencies must be undertaken, keeping in mind the changing demographics within Europe. Attention needs to be paid to the formation of minority elites (in ethnic communities, for example) who play the role of intermediaries to the majority. The strength of their actual representative mandate must be considered while giving credit to the emergence of new constituencies.

3. GROWING INTELLECTUAL RESOURCES

The intellectual resources of all organisations and institutions need to be enhanced through mechanisms such as job shadowing, leadership training, and mobility schemes.

4. ADVANCING THROUGH COMPARISON

Organisations progress faster if they open up to an external scrutiny of their practices and benefit from that of others in return. Reporting, monitoring and international comparisons are important tools.

III Monitoring for Sustained Policies

The European Year of Intercultural Dialogue 2008 is not based on common legal instruments for the promotion of Intercultural Dialogue. And neither is a legally binding commitment of Member States to any guidelines on Intercultural Dialogue expected. In order to guarantee the legacy of the year, such guidelines must nevertheless be developed in the years to come through a commitment to joint monitoring. Public authorities and civil society forces need to collaborate in closing the learning cycle between practice and policy. The European Commission and the Council of Europe have a leading role to play.

1. COLLECTING DATA SYSTEMATICALLY

The Grass roots' practice of Intercultural Dialogue as well as initiatives resulting from governmental incentives must be captured in knowledge banks. All relevant organisations and institutions need to contribute to, and facilitate the amount and quality of information available, for example through a condition for funding. Such data collection must be based on a clear and concise definition of Intercultural Dialogue and must be carried out with due regard to objectivity and quality.

2. NETWORKING KNOWLEDGE BANKS

In order to facilitate a system for accessing relevant information scattered among different virtual and physical spaces, networking and streamlining databases across national and institutional boundaries is to be supported rather than creating new databases. Existing databases, portals or observatories ought to be sensitized to the collection of data on Intercultural Dialogue and be encouraged to contribute in this field. Every practice database must be matched with a human network and collaborative activities to ensure that database contents remain accurate, up to date and importantly, used.

3. EVALUATING DATA AND INFORMING POLICY

Databases must be connected to comprehensive research and analysis activities. They must, however, not remain the domain of academics. Activities for connecting with policy-makers must be built into the work programme and budget of every knowledge bank.

IV. Mobilising across boundaries

Intercultural Dialogue is an endeavour, which can only succeed, if different sectors and different levels of government collaborate. Cross-sectoral cooperation by civil society organisations is thereby the counterpart to the promotion of Intercultural Dialogue across policies, and to the cooperation between governmental departments at EU and at Member State level.

1. EXCHANGE AND COOPERATION BETWEEN SECTORS

These are needed in order to see the broad picture of political, economic, social and cultural reasons for difference and in order to meet the multilayered causes of conflicts. Many sectors contribute to education; organisations from different sectors need to learn from each other in their internal capacity building for Intercultural Dialogue; all sectors must contribute to the learning cycle between practice and policy. Institutional and physical spaces of encounter must be created and maintained where interculturality and cross-sectoral strategies are practiced, both in public institutions and civil society organisations.

2. MAINSTREAMING OF INTERCULTURAL DIALOGUE IN EU POLICY

The promotion of Intercultural Dialogue is so important that it needs to become not just a guiding principle in more EU policy areas than is presently the case, but that the activities supported under this objective must become more congruent and bigger. Their cumulative effect must become clearly perceivable.

3. INTERLINKING POLITICAL LEVELS

Policies for Intercultural Dialogue must be developed and improved at local, regional, national and European level. The European Union should facilitate the exchange of information, and cooperation between public and civic as well as economic stakeholders. New forms of non-regulatory policy development are needed to the extent that they allow for efficient joint action.

V. Resourcing Intercultural Dialogue

No investment, no visible results. Significant financial resources must be made available for Intercultural Dialogue across all policy areas. This is a core challenge for the European Union, as well as for national, regional and local governments. Companies and grant-giving foundations are also called upon to unlock resources. Commitment is needed on the basis of transparent aims and procedures.

1. DEDICATED FUNDING LINES

The improvement of Intercultural Dialogue practices and policies needs to be supported by special programmes on all levels of public administration (local, national, regional and European). Corporations and foundations in Europe should be encouraged to do the same. The transformation of public and civic organisations should be promoted through investments into the following areas:

- Awareness-raising and exchange of experience
- Research, comparison, monitoring, and impact assessment
- Training and facilitation of capacity building
- Stimulation for the creation and use of intercultural meeting places
- Constituency or audience development
- Communication and outreach development

2. CONSISTENT SUPPORT ACROSS NON-DEDICATED FUNDING LINES

All funding instruments at all governmental levels must have a distinct element of promoting Intercultural Dialogue. Intercultural Dialogue should not only be a declared aspiration of all relevant programmes, but their implementation must also correspond to the objective by paying attention to aspects such as: type, number and size of projects, composition and orientation of each partner supported.

3. BENCHMARKING POSITIVE ACTION

Public and private funding organisations should consider targets for making funded organisations ‘intercultural’, and decide corresponding percentages of their overall funding.

NEXT STEPS

Many of the recommendations in this paper have already been discussed and indeed formulated in greater detail by the *Platform for Intercultural Europe*. Signatories of this paper will become eligible for formal membership of the *Platform for Intercultural Europe*, which will live on as an established association.

The Platform will thus continue to exist in order to help civil society organisations realise the recommendations of this paper and in order to help move the European policy formulation process further. The *Platform for Intercultural Europe* takes seriously the call to be a partner for the European Union institutions in their “structured dialogue” with civil society.

We expect this commitment to be matched through the setting up of a European Union Council working group on Intercultural Dialogue under the “Open Method of Coordination” (recently introduced for the field of culture and providing a flexible and non-binding European Union framework for structuring cooperation and practice exchange between national governments). We must identify the legacy of the European Year of Intercultural Dialogue together and define a follow-up work programme, including broad monitoring and evaluating activities.



ExTra! Recommendations

The ExTra! project aims to promote cultural diversity in Europe and to enhance the exchange between different cultural traditions present in European societies today. One of the primary motivations behind the ExTra! project is the strong belief that a higher intercultural competence will contribute to a peaceful world. The ExTra! project strives to ensure that the exchange between different cultural groups is handled with the utmost sensitivity and respect.

The following recommendations have been developed in the context of the political frameworks of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and the European Agenda for Culture in a Globalized World.

Fundamentals:

- Artistic expression is a human right. Access to culture must never be the preserve of a privileged social elite: Any elitist concept of culture has to be questioned. Young people from migrant backgrounds deserve particular attention, as they are at a higher risk of social exclusion.
- Nation states are a European reality. However, we have to be aware of the fact that the concept of nation state is challenged by migration, often functioning beyond and across national borders. The inclusion of cultural minorities in European societies partly originating from outside Europe could help overcome historically and socially rooted reasons for discrimination and racism.
- It is essential to respect the context in which traditional music is expressed: some musical traditions consist of highly complex rhythmical and tonal structures, created to be performed on stage for an attentive audience; other musical traditions are part of a day-to-day culture or street culture, have a participatory character and do not necessarily practice the idea of "performer" and "audience". Taken out of context, some traditions might lose their essence. A particular sensitivity is needed in order not to distort the transmission and the reception of the traditions or the community where they come from.

Recommendations:

Education

- As artistic expression is a human right, arts education is as fundamental to basic school education as reading, writing and arithmetic, according to the UNESCO World Conference on Arts Education (Lisbon, March 2006). Music making and singing need to be seen as an integral part of any curriculum from nursery to secondary school. Cultural diversity has to be included in these curricula.
- Teaching and learning material need to reflect the cultural diversity of European societies.
- Music teachers and musical project leaders need to be trained for a culturally diverse reality.
- Cooperation between formal and non formal music education is essential for the acquisition of intercultural skills. The cultural scenes themselves offer a wide range of projects with integration aspects in popular and other music styles, which respond to the environment and context of different persons from various social backgrounds and all age groups.

Capacity Building

- Intercultural Competences are a prerequisite for the peaceful coexistence of diverse cultures in European societies, as well as for the strengthening of a European cultural identity. Musical diversity has to be acknowledged as an enriching reality and intercultural competences have to be acquired; we have to learn together - from each other - not just about each other.

Cooperation

- Intercultural cooperation can only succeed if different sectors and different levels of government work together. Cooperation of civil society organisations among themselves, cooperation of political decision makers at local, national and European level, and cooperation between politicians and civil society is essential. It is vital to include ethnically and culturally mixed groups in cooperation initiatives.

Mobility

- Mobility is the oxygen of culture and intercultural dialogue. Accessible visa regulations, transparent taxation and social insurance systems must be provided for cultural operators.

Media

- A fair legal framework for the distribution and production of traditional music needs to be installed: it should respect the particularities for Internet distribution as well as for collective ownership, which is characteristic of some musical traditions.
- The media should strengthen their role as mediator and present the richness of various musical cultures.

Intercultural Mainstreaming

- Aspects of intercultural exchange need to be respected in all political fields.

Resources

Financial as well as human resources need to be installed to guarantee further sustainable development of cultural diversity and intercultural exchange:

- Significant data need to be collected about musical diversity in schools and about how migrants live and express their culture within their communities
- Mobility of artists and cultural operators is crucial for the development of intercultural competences and needs financial support
- Intercultural cooperation projects need sufficient funding

Public funding shall enhance the plurality of music and musical expressions.

For further reading:

EFMET recommendations, EMC, AEC and partners, 2004

<http://www.emc-imc.org/cultural-policy/emc-statements/>

"2. Berliner Appell", German Music Council, 2006,

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