The status of artists and cultural and creative professionals in Europe: social rights and circulation

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The status of artists and cultural and creative professionals in Europe: social rights and circulation

Sophie Valais

European Audiovisual Observatory

COUNCIL OF EUROPE
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Foreword

"Without the Muses, there is no *polis*." This ancient Greek reminder of the central role of art and culture in civic life is as relevant today as ever. Across Europe, millions of artists and cultural and creative professionals enrich our societies, sustain our economies and shape our democracies. Yet those who embody this creative vitality too often face precarious working conditions and limited access to social protection. This paradox – an essential sector built on fragile foundations – lies at the heart of today's cultural policy debates.

Digitisation and new business models have further intensified these vulnerabilities, which the COVID-19 pandemic exposed with unprecedented clarity. The crisis brought the status of cultural and creative professionals and their access to social rights to the forefront of the European policy agenda. It emphasised the fact that Europe cannot claim to promote cultural diversity and creative talent while failing to support the professionals who sustain them. From UNESCO's 1980 Recommendation on the Status of the Artist to more recent initiatives by the International Labour Organization and the growing concern within the European Union, calls for action have become increasingly pressing.

This report provides a comprehensive overview of the main challenges facing artists and cultural and creative professionals in Europe – from atypical employment and fragmented access to social protection, to taxation complexities and cross-border mobility. It first addresses the conceptual challenge of defining who qualifies as an "artist" across Europe's diverse legal and cultural traditions, a question that conditions access to rights and recognition. The analysis then turns to the realities of work in the sector: precarious employment, multiple jobholding, and high mobility which, while characteristic of artistic careers, often undermine access to fair protection. Existing legal frameworks remain poorly adapted to such atypical professional paths, leaving many exposed to precarity and economic fragility. The report also reviews the broader legal and policy landscape, showing how national approaches interact with European and international frameworks. While laws, recommendations, and policy lines exist, implementation remains uneven. However, there are encouraging signs that a growing number of countries are recognising the urgency of the issue and taking steps to strengthen protections for artists and cultural professionals. Finally, the report underlines the importance of collective action, pointing to social dialogue and collective bargaining as essential tools for addressing vulnerabilities and building more sustainable solutions for the sector.

I would like to warmly thank the members of the Advisory Committee of the European Audiovisual Observatory who gave valuable feedback during the drafting process, which has helped ensure that the report reflects both the diversity of national legislative traditions and the collective conventions and professional practices of the cultural and creative industries.

Europe's creative life depends on the people who make it possible. Supporting them is not only a question of fairness, but also a means of safeguarding the very fabric of our societies. Without them – without the Muses – there is no *polis*.

Enjoy the read!

Maja Cappello

IRIS Coordinator

Head of the Department for Legal Information

European Audiovisual Observatory

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List of abbreviations and acronyms

CCI	Cultural and creative industries
CCS	Cultural and creative sectors
CMO	Collective Management Organisations
EP	European Parliament
ILO	International Labour Organisation
ISCO	International Standard Classification of Occupations
ISCO	International Standard Classification of Occupations
MSMEs	Micro, small and medium sized enterprises
SSE	Social and solidarity economy entities
UIS	UNESCO Institute for Statistics
UNCTAD	United Nations Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization

Executive summary

Europe's artists and cultural and creative professionals play a vital role in its societies, economies, and democracies – yet they frequently face precarious working conditions and limited access to social protections. This paradox, where an essential sector rests on fragile foundations, has been further exposed by digital transformation and the COVID-19 pandemic, placing the status and rights of these professionals at the centre of policy discussions. By analysing legal definitions, employment patterns, access to social protection, taxation, and collective bargaining frameworks, this report provides a comparative overview of the diverse national and European policy approaches that influence the working lives of those in the cultural and creative sectors (CCS). Through detailed examples and up-to-date legislative references, the report maps the ongoing challenges – including legal fragmentation, fluctuating employment status, and limited social security – while also documenting recent reforms, innovative practices, and emerging policy trends. The analysis offers a comprehensive snapshot of the current landscape and aims to serve as a resource for policymakers, stakeholders, and practitioners seeking to understand the realities faced by Europe's cultural and creative workforce.

Chapter 1 examines the conceptual and practical challenges in defining artists and CCS professionals, as well as the scope of the CCS themselves. The dynamic, multidimensional nature of creative work – encompassing diverse activities from artistic creation to technical and educational roles – makes it difficult to establish universally accepted definitions. While the 1980 UNESCO Recommendation broadly characterises artists as individuals whose identity or livelihood centres on artistic expression, regardless of contractual status, no harmonised definition exists. International classification frameworks, such as ISCO, NACE, and UNCTAD, differ, resulting in practical challenges for recognition and data collection.

At European level, while the CCS cover a wide range of activities, from the performing arts to digital media, definitions remain fragmented. National approaches vary significantly, with some countries, like Belgium and Greece, expanding legal recognition beyond core creators to encompass technical and support roles, while others, such as Austria and Finland, maintain narrower definitions tied to artistic creation only. Despite expanding legal frameworks – particularly following the COVID-19 pandemic – legal and statistical classifications remain inconsistent, hindering social protection, cross-border mobility, and access to rights.

Chapter 2 provides an overview of the CCS, according to the statistical classification of economic activities in the EU, NACE Rev.2, which covers a wide range of activities and subsectors, primarily classified under "Arts, entertainment and recreation." It highlights the economic and social significance of the CCS in Europe, as well as the unique challenges

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faced by their workforce. The sector employs 7.7 million people in the EU, representing 3.8% of total EU jobs, but is characterised by a great level of diversity in workforce composition, employment types and enterprise structures. Freelance work and self-employment remain much more prevalent than in other sectors, with nearly a third of professionals self-employed or operating on project-based contracts; in some disciplines, rates are even higher. Youth employment and high levels of education are prominent, particularly in digital and audiovisual subsectors, though precarity and unstable career paths remain widespread with intermittent work, second jobs (often outside the sector), and pronounced income volatility. Gender disparities persist, with men dominating most subsectors, especially in technical and leadership roles.

In addition, the CCS are characterised by high mobility, as artists and CCS professionals frequently work across borders to access opportunities and expand their careers. However, this mobility is often hindered by administrative barriers, tax complexities, and inconsistent social protections. The COVID-19 pandemic exacerbated existing vulnerabilities, leading to significant job losses, particularly in live performance and venue-based activities, while accelerating digital transformation and remote collaboration.

Structurally, the sector is dominated by micro, small, and medium-sized enterprises (MSMEs), particularly in production and distribution (larger firms – especially in broadcasting – are more consolidated), which face challenges such as limited access to funding, digitalization gaps, and low business survival rates. Furthermore, while digital platforms and new business models offer opportunities for global reach and innovation, they also raise concerns about income instability, job displacement, and the concentration of market power in the hands of a few dominant players. The COVID-19 pandemic accentuated vulnerabilities, widening employment gaps, mobility restrictions, and loss of income, with some digital cultural and creative subsectors (streaming and gaming) experiencing growth amid others' decline. The chapter highlights these dynamics as key features of the CCS, illustrating the complexities and fragilities of the sector.

Chapter 3 examines the international, European, and national policy and legal frameworks governing the status of artists and CCS professionals. Internationally, artists and CCS professionals' social and economic rights are articulated through the UNESCO Recommendation on the Status of Artists (1980) and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). In addition, the standards of the International Labour Organization (ILO) on universal access to social protection apply to all workers, including self-employed professionals, including fair wages, freedom of association and non-discrimination. At Council of Europe level, the European Convention on Human Rights guarantees artistic and journalistic freedom, while the European Social Charter emphasises fair working conditions and social protection.

While within the EU, cultural policy remains primarily a national competence (TFEU Article 167), the Union does support coordination between member states in social, employment, and mobility rights. Key directives regulate working time, contract types, transparency, mobility, and equal treatment, but protections largely focus on standard employment contracts, often excluding the self-employed and freelancer workers prevalent in the CCS. Notable recent developments include the Platform Work Directive (2024/2831),

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which introduces a presumption of employment for platform workers, and the European Pillar of Social Rights, aiming to bolster protections for atypical workers and facilitate collective bargaining rights for solo self-employed persons. EU social recommendations and guidelines encourage improved access to social protection while supporting recognition of CCS professionals' specific circumstances.

The chapter also highlights EU policy developments, including the European Parliament's 2021 resolution calling for a "European Status of the Artist" to improve working conditions and cross-border mobility. The European Commission's 2024 response outlines 13 initiatives to enhance social protections, fair labour practices and cooperation among member states. Additionally, the European agenda for collaborative economy presents both opportunities and challenges, particularly in terms of employment classification and tax obligations.

Overall, the chapter maps the existing legal and policy landscape, illustrating the fragmentation and uneven implementation of protections for artists and CCS professionals across Europe. It underscores the ongoing efforts to strengthen recognition and support while respecting the diversity of national approaches.

Chapter 4 identifies the core challenges faced by artists and CCS professionals in Europe, focusing on atypical employment, social protection gaps, and cross-border mobility issues. The project-based, freelance, and intermittent nature of work in the CCS leads to widespread precarious employment, with many professionals relying on short-term contracts, multiple jobs, or undeclared work to sustain their livelihoods. False (or "bogus") self-employment – where workers are misclassified so that employers avoid paying tax and social security contributions – further exacerbates job insecurity.

Access to social protection remains a critical issue, as traditional contributory systems often fail to accommodate the irregular incomes, multiple jobholding, and non-standard employment typical of the CCS. Many artists struggle with unequal access to unemployment benefits, healthcare, pensions, and occupational safety nets, with gaps further widened by the COVID-19 pandemic.

Taxation issues are compounded by irregular income streams, limited deductibility of professional expenses, and volatility in status across fiscal years; some countries offer limited relief through income averaging or reduced rates. For mobile workers, additional complexities arise, including risks of double taxation, inconsistent national regulations, and administrative burdens when working across borders.

In particular, cross-border mobility, while essential for artistic and professional development, is hindered by legal fragmentation, varying national definitions of "artist," and cumbersome administrative procedures. Challenges include social security portability, tax residency conflicts, and the lack of harmonised recognition for qualifications, which disproportionately affect freelancers and small-scale cultural workers. The chapter highlights these structural obstacles as persistent barriers to stable, fair, and sustainable working conditions in the CCS.

Chapter 5 examines diverse national strategies across Europe for defining, recognizing, and supporting artists and CCS professionals. Countries employ varied legal frameworks to address the status of these workers, often reflecting distinct cultural

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traditions and policy priorities. For example, Germany's *Künstlersozialkasse* (Artists' Social Security Fund - KSK) grants self-employed artists and publicists access to pension, health and care insurance, while Belgium's "Working in the Arts Commission" issues certificates to formally recognise professional arts workers, including technical and support roles. Slovenia and Cyprus have introduced registries and flexible criteria to improve eligibility for social protections, and Spain's 2022 "Statute of the Artist" modernises labour and tax regulations to better accommodate intermittent work. The chapter also explores national approaches to social protection and taxation, such as France's *intermittent du spectacle* regime (intermittent worker in the entertainment sector), which provides tailored unemployment insurance for performing artists and technicians in the entertainment sector, and Hungary's EKHO law, offering simplified tax and contribution schemes. Ireland and Finland implement tax exemptions or income-averaging mechanisms to stabilise artists' irregular earnings. Additionally, education and skills recognition initiatives, like Greece's Higher School of Performing Arts and EU-wide mobility programs (e.g., Erasmus+, Culture Moves Europe), aim to facilitate career development and cross-border collaboration.

While these examples demonstrate innovative solutions to support artists, the chapter underscores the persistent fragmentation in definitions, eligibility criteria, and support mechanisms across Europe, reflecting both progress and ongoing challenges in harmonizing protections for CCS professionals.

Chapter 6 explores how social dialogue and collective bargaining serve as critical mechanisms for addressing the challenges faced by artists and CCS professionals in Europe. Given the precarious, fragmented, and often non-standard nature of employment in the sector, trade unions and professional associations play a key role in negotiating fair working conditions, remuneration, and social protections for workers who lack individual bargaining power.

The chapter highlights the evolving role of collective bargaining, which has adapted to include freelancers, self-employed professionals, and platform workers – groups traditionally excluded from standard labour agreements. The 2022 EU Guidelines on collective agreements for solo self-employed persons clarified that competition law does not prevent these workers from negotiating collectively, enabling stronger representation in areas like digital rights management, fair remuneration for online performances, and algorithmic transparency.

Examples of collective agreements – such as the UK's PACT-Equity agreements for film and TV professionals, France's National Collective Agreement for Film Production, and Sweden's Film, TV, and Video Recording Agreement – demonstrate how standardised contracts can improve working hours, safety, pension contributions, and dispute resolution. These agreements also address emerging issues like artificial intelligence and cross-border mobility, reflecting the sector's dynamic evolution.

Additionally, the chapter underscores the importance of education, policy advocacy, and innovation in social dialogue, including initiatives to promote fair rights management, digital literacy, and alternative organisational models (e.g., cooperatives). While progress has been made, the fragmented nature of the CCS workforce – comprising freelancers, gig workers, and short-term contractors – continues to pose challenges for unified

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representation and enforcement of labour standards. The chapter presents these developments as ongoing efforts to adapt collective bargaining to the realities of the CCS.

The **conclusion** synthesises the report's findings, emphasizing the complex and fragmented landscape of the status of artists and CCS professionals across Europe. It highlights the absence of harmonised definitions for "artist" and "CCS professional," which complicates legal recognition, social protection, and cross-border mobility. Despite growing awareness of the sector's importance – accelerated by the COVID-19 pandemic – artists and CCS professionals continue to navigate systems designed for traditional employment, often ill-suited to their intermittent, project-based, and mobile working realities.

Recent years have seen progress by way of national and EU-level initiatives, including updated legal frameworks, targeted social protections, and efforts to improve data collection, policy coordination, and mutual recognition of professional status. The European Parliament's 2021 and 2023 resolutions, along with the European Commission's 2024 response, signal a commitment to addressing challenges like precarious employment, income instability, and limited access to social rights. However, implementation remains uneven, with persistent gaps in cross-border coordination, tax harmonization, and portability of social protections.

In conclusion, the report observes a growing emphasis on cooperation and knowledge-sharing among member states, as reflected in initiatives such as the Culture Compass and Council Conclusions on young artists. These developments suggest an increasing recognition of the need to align legal, policy, and social frameworks with the diverse and evolving realities of Europe's cultural and creative workforce. The analysis highlights persistent challenges – including precarious employment, fragmented social protections, and cross-border mobility barriers – while acknowledging ongoing efforts to address these issues within the context of national and EU-level policymaking.

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1. Conceptual framework and scope

Defining cultural and creative occupations – and, by extension, the cultural and creative sector (CCS), along with the artists and CCS professionals[1] working in it – within a single framework is inherently challenging. The creative and cultural process is, by nature, dynamic, multidimensional and constantly evolving in response to societal and technological changes. It encompasses a wide range of often invisible or undervalued activities – such as research, development, rehearsing, planning, dissemination, education, training, creation – that go beyond actual production and distribution. Artists and CCS professionals, who are at the core of this process, engage in diverse – and often highly skilled – forms of labour that are not always formally recognised by national labour and social frameworks in place. In addition, more than in any other sector, these professionals often share their workspace with amateurs, which adds to the challenges of distinguishing between those working professionally and those working purely out of passion.

However, there is no universally accepted definition of who qualifies as an artist, nor a consistent definition of the CCS across countries. This ambiguity has practical implications: in most countries, artists and CCS professionals lack a distinct legal status, and at European level no harmonised framework exists. As a result, they must navigate legal and social protection systems designed for stable, long-term employment models, which rarely reflect their working realities.

This section outlines the conceptual framework and scope of the report. It examines the complexity of defining both the CCS and the artists and other professionals within them and considers the implications of current legal and statistical classifications – or the absence thereof – for the recognition, sector measurement and support of those who contribute to the creative and cultural process.

1.1. Global approaches to key concepts

1.1.1. Different approaches to "artists" and CCS professionals

Globally, there is no uniform definition of the "artist" or their professional status. According to UNESCO's 1980 Recommendation,[2] an "artist" is "[…] any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and

[1] For the sake of clarity, certain terms are used generically throughout the report to refer to both women and men.

[2] UNESCO, *Recommendation concerning the Status of the Artist*, adopted by the General Conference at its twenty-first session, Belgrade, 27 October 1980, paragraph I.

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culture and who is or asks to be recognised as an artist, whether or not he is bound by any relations of employment or association."

In addition, UNESCO defines the "status" of artists, by referring to both societal recognition – or the value attributed to their role in cultural life – and their rights and protections, including moral, economic and social rights, especially related to income and social security.[3]

The absence of a standardised definition of the term "artist" across countries makes it challenging to collect and compare global data. The International Standard Classification of Occupations (ISCO), which currently uses the ISCO-08 framework, defines a job as a set of tasks and duties performed, or meant to be performed, by one person, whether employed or self-employed. An occupation, in turn, is defined as a set of jobs whose main tasks and duties are characterised by a high degree of similarity. Under ISCO-08, several 4-digit occupation codes relate to cultural and creative professionals, which encompass:[4]

- 264: Authors, journalists, (and linguists), including authors and related writers (2641), and journalists (2642)
- 265: Creative and performing artists, including music composers (2652), film, stage and related directors and producers (2654), actors (2655), announcers on radio, television and other media (2656), creative and performing artists not elsewhere classified (2659)
- 343: Artistic, cultural (and culinary) associate professionals, including other artistic and cultural associate professionals (3435)
- 352: Telecommunication and broadcasting technicians, including broadcasting and audiovisual technicians (3521), telecommunications engineering technicians (3522)

However, globally comparable data at this level of detail are not available.[5] The International Labour Organization (ILO) only provides aggregated data at the broader two-digit level. For example, code 26, which includes "Legal, social and cultural professionals", covers a wider range of occupations than those specifically relevant to the CCS.

Adding to the complexity, international standards differ — UNESCO's broader cultural framework contrasts with the ILO's narrower approach, making it difficult to extract targeted cultural labour statistics. The UNESCO Institute for Statistics (UIS),[6] through its Framework for Cultural Statistics,[7] uses a wider definition of CCS occupations, including teaching and certain crafts and design services beyond this study's scope.

[3] Ibid.
[4] Galian, C., Licata, M. and Stern-Plaza, M. *Social Protection in the Cultural and Creative Sector: Country Practices and Innovations*, ILO Working Paper 28. Geneva: International Labour Office, 2021, p. 14. See also: ILOSTAT, *International Standard Classification of Occupations (ISCO-08)*, 4th version, 2008.
[5] Ibid.
[6] UNESCO, *Institute for Statistics*.
[7] UNESCO,*Framework for cultural statistics*, 2025.

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1.1.2. No overall consensus on the scope of the CCS

Similarly, there is no overall consensus on the definition of the CCS, where artists and cultural professionals operate. Terms and classifications have evolved over time, influenced by shifting policy priorities and a growing recognition of culture's economic value. Defining CCS is conceptually complex due to differences in data availability and national industrial classification systems. Since the 1970s, concepts such as "cultural industries," "creative industries," and now "cultural and creative sectors", have expanded to cover a wide range of activities – from traditional arts to design, advertising and software. Different models exist that illustrate the broad scope and diversity of CCS, such as UNESCO's cultural cycle, which frames CCS as a production process, from creation to consumption; UNCTAD's value chain,[8] which distinguishes between upstream (production) and downstream (market) activities; or Throsby's concentric circles[9] placing core artistic work at the centre, surrounded by broader cultural and creative activities requiring less artistic input. Together, these models reflect the sector's wide range and heterogeneity.[10]

Moreover, national definitions and classification systems of CCS differ across countries, making international comparisons difficult. While the UN's International Standard Industrial Classification of All Economic Activities (ISIC) Revision 4 (ISIC Rev. 4) seeks global alignment and is broadly consistent at higher levels with systems like ANZSIC (Australia and New Zealand), NACE (EU) and NAICS (US, Canada, Mexico), inconsistencies at more detailed levels persist and hinder the accurate identification of CCS activities, which require granular data and cross-system compatibility.[11] Despite efforts like the OECD's 2006 initiative on cultural measurement[12] and UNESCO's 2009 Framework for Cultural Statistics,[13] which provide common indicators, including industry and occupational codes for cultural and creative work, as well as other indicators like government spending categories, national adoption of these standards remains uneven and international comparability continues to be a challenge.

Among the main inconsistencies in the audiovisual sector, the UNESCO Framework notes that audiovisual activities are often split across a number of codes (e.g., production, post-production, distribution, exhibition) and that these splits do not always align across national systems, thereby complicating international comparison and sector measurement. The Framework also addresses the challenge of new hybrid activities (such as multimedia

[8] *UNCTAD, Global value chains and development: Investment and value added trade in the global economy*, UNCTAD/DIAE/2013/1, 2013.
[9] Throsby, D., *The Concentric circles model of the cultural industries*, Macquire University, *Cultural Trends*, 3/17 (2008), pp. 147-164.
[10] OECD, *The Culture Fix: Creative People, Places and Industries*, Local Economic and Employment Development (LEED), OECD Publishing, 2022, Paris, p. 23. [why "f"?] indeed, you can delete it too in FR/DE versions
[11] Ibid. p. 29.
[12] Gordon, J. and H. Beilby-Orrin, *International Measurement of the Economic and Social Importance of Culture*, *OECD Statistics Working Papers*, No. 2007/03, OECD Publishing, Paris.
[13] UNESCO, *2009 UNESCO Framework for Cultural Statistics (FCS)*, UIS/TD/09-03.

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and digital content creation) that do not fit neatly into traditional audiovisual categories, further illustrating persistent inconsistencies.[14]

With regard to the video games sector, the main issue according to the industry regarding NACE is the lack of a dedicated and clearly identifiable code for game development. Currently, most game developers are not classified under the only specific code, J58.2.1 ("Publishing of computer games"), leading to inconsistent registration under unrelated categories like computer programming, artistic creation, or the manufacture of games or toys.[15] This fragmentation makes it difficult to gather accurate industry statistics and hinders access to targeted public support measures, as well as proper recognition alongside other cultural industries. To date, the core challenge remains unresolved: video games creation lacks its own clear NACE classification, impacting visibility in official data and policymaking according to industry representatives. While improvements in NACE Rev 2.1 have been made,[16] a dedicated code for video games is still pending, despite formal calls for its inclusion.[17]

1.2. EU approach to key concepts

1.2.1. A wide range of CCS activities and subsectors

At European Union (EU) level, the CCS are characterised by a wide range of activities and subsectors, primarily classified under "Arts, entertainment and recreation" in the statistical classification of economic activities in the EU, NACE Rev.2.1.[18] These not only include the performing arts, support activities for the performing arts, artistic creation and the operation of arts facilities, but also libraries, archives, museums, activities linked to historical sites, botanical and zoological gardens, gambling and betting, sports, amusement and recreation parks. CCS activities also vary across member states due to different economic frameworks, structures, activities and products.

Building on this broad classification, the Creative Europe programme[19] provides a more detailed definition of the CCS, covering sectors whose activities are based on cultural values and creative expression, often generating innovation and jobs, through intellectual

[14] UNESCO, *2025 UNESCO Framework for Cultural Statistics (FCS)*, Part II: A Classifications Guide, (Draft for Consultation).
[15] European Games Developer Federation (EGDF), *EGDF statement on the review of the European standard industrial classification (NACE)*.
[16] Central Statistics Office (CSO), *NACE - Classification of Economic Activities*.
[17] EU, *European Parliament resolution of 10 November 2022 on esports and video games* (2022/2027(INI)), (2023/C 161/01).
[18] EUROSTAT, *NACE Rev 2.1, Statistical classification of economic activities in the European Union*, 2025 edition. It provides statistics on cultural employment for economic activity (sector of employment), ISCO-08 for occupation and ISCED 2011 for educational attainment level.
[19] EU, *Regulation (EU) 2021/818* of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No. 1295/2013, Article 2(1).

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property. These sectors include the development, creation, production, dissemination and preservation of cultural and artistic goods and services, along with related functions such as education or management. This definition applies regardless of whether the activities are market-oriented, the type of structure involved, or its financing method. These sectors include, among others, architecture, archives, libraries and museums, artistic crafts, audiovisual (including film, television, video games and multimedia), tangible and intangible cultural heritage, design (including fashion design), festivals, music, literature, performing arts (including theatre and dance), books and publishing, radio and visual arts.

According to a November 2023 study by the European Parliamentary Research Service (EPRS),[20] motion picture, television and music is the fourth largest area of CCS enterprises (after architecture, design and photography), accounting for 12.2% of the total. This is followed by the printing and reproduction of recorded media and the manufacture of jewellery and musical instruments, which represent 11.4%. Overall, CCS enterprises in the EU are typically small, with an average of 2.7 employees per business.

1.2.2. Three broad categories of CCS professionals

Alongside the broad scope of the CCS definition, a major challenge at both EU and member state levels is the fragmented approach to defining CCS professionals. This inconsistency impedes effective policymaking, cross-national comparisons, mutual learning and coordination across member states.

In particular, at EU level, Eurostat produces harmonised cultural statistics for EU countries, based on a definition covering ten cultural domains, including audiovisual and multimedia, along with six functions: creation and publishing, dissemination and trade, preservation, education, management and regulation.

Cultural and creative employment includes those working directly in the CCS as well as those in cultural and creative roles across other sectors. The "trident approach" distinguishes between cultural and creative sectors (industries) and occupations (jobs), recognising that many people in creative occupations work outside the CCS. This model identifies three groups of workers in cultural and creative employment:

- CCS workers in cultural and creative occupations, i.e. “artists”, such as actors, dancers, musicians, etc.[21]
- CCS workers in non-cultural and creative occupations (e.g., production company accountants, technicians, staff, etc.);[22] and

[20] Kammerhofer-Schlegel, C., et al., *EU framework for the social and professional situation of artists and workers in the cultural and creative sectors*, European Parliamentary Research Service (EPRS), European Added Value Unit, November 2023, p. 3.
[21] This approach is also supported at policy level, for example, in the European Parliament resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU (*2020/2261(INI)*).
[22] As considered in the former EU cultural statistics in the *ESSnet-CULTURE European Statistical System Network on Culture*, FINAL REPORT, 2012.

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- Workers in cultural and creative occupations outside the CCS.[23]

These groups differ significantly in their autonomy, their work organisation, their need for flexible work patterns and their income vulnerability, with artists typically experiencing more autonomy, greater flexibility needs and more income volatility than other creative professionals.

For the purpose of this report, “artists”, “workers” and “professionals” in the CCS are used interchangeably to refer to individuals whose occupations involve the creation, production or distribution of cultural content and services. They typically include creative expression protected by intellectual property (IP) rights and contribute to the generation of cultural meaning and value.

In terms of labour, the report adopts the International Labour Office’s definition of employment: work done for pay or profit, including employees, the self-employed and contributing family members. Although legal distinctions between "employment," "labour" and "work" vary across national contexts, these terms are used synonymously here for the sake of consistency.

Employment in the CCS increasingly involves non-standard arrangements, including part-time, temporary, on-call or agency work, as well as forms of dependent self-employment arrangements that resemble employment relationships in practice, though structured through commercial contracts. This category does not include independent self-employment, which is treated separately in this report.

The term “professional artists” refers to individuals engaged in artistic roles, either as employees or as self-employed workers – whether on a full-time, part-time or intermittent basis. Their professional status is recognised regardless of the regularity or form of engagement.

Lastly, the "status of the artist" refers both to the cultural recognition of their role in society and to the moral, social and economic rights attached to that status, including the right to income security (not addressed in this report) and social protection.

1.3. National approaches to key concepts

The COVID-19 pandemic brought renewed attention to the “status of the artist” in many European countries. Once a niche policy area, it now shapes national laws and public discourse. But what does this status entail? Who qualifies as an artist and what protections should follow? Despite growing interest, there is no EU-wide trend towards harmonised definitions, eligibility criteria, or support systems. National approaches remain diverse, shaped by distinct legal frameworks, cultural traditions and terminology – ranging from

[23] See Kammerhofer-Schlegel, C., et al., *EU framework for the social and professional situation of artists and workers in the cultural and creative sectors*, op. cit.; OECD, *The Culture Fix: Creative People, Places and Industries*, op. cit., p. 28.

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"cultural worker" and "creative professional" to "art worker" and more – reflecting different scopes and meanings.

1.3.1. Varying definitions of "artist"

Annex 1 of this report, drawn up on the basis of information contained in the platform Creativesunit / How-we-work![24] reveals a diverse landscape across EU countries regarding how they define "artist" and "cultural professional," which has significant implications for the scope of social rights and support mechanisms.

Some countries adopt a broad approach, recognising a wide-ranging spectrum of artistic and related activities. For instance, **Belgium** defines an "art worker" as someone engaged not only in artistic activities but also in "artistic-technical" and "supporting activities". Similarly, **Greece** includes both "workers in supporting activities of the cultural and creative sector" and "professionals in the CCS", acknowledging the essential contributions of those who facilitate artistic creation. In **Czechia**, the term "artist" encompasses individuals involved in activities essential for the production of artistic work, such as lighting technicians, sound engineers and costume designers.

Taking an original approach, **Lithuania** maintains a detailed list of over 70 specialised professions in the cultural sector, such as film directors, conductors and costume designers, as far as the audiovisual sector is concerned. This list is regularly updated to include "deficit professions" in the field of culture, which helps to define eligibility for state-funded social insurance contributions. Examples include cinema operators and script supervisors in the audiovisual sector.

In **Portugal**, the law provides specific definitions for "authorship activities", "artistic activities", "technical-artistic activities" and "cultural mediation activities," each corresponding to separate categories of cultural workers. More specifically, "authorship activities" refer to those that involve intellectual creations in the literary and artistic domain, expressed in any form and which are protected by authors' rights. "Artistic activities" are those connected to the interpretation and execution of works in the fields of performing arts, visual arts, and audiovisual sector, as well as other interpretation or executions of a similar nature, which take place in front of an audience or are intended for recording, transmission, or making available for public dissemination, regardless of the medium or format used. These are often also protected by related rights. "Technical-artistic activities" refer to those related to the methods of execution, materials, equipment, and production processes of artistic works intended for public enjoyment through various existing dissemination means. These activities are in principle not protected by copyright or related rights.

France also legally recognises many subcategories of professionals in the CCS, including the "intermittent du spectacle" – a category covering technicians and other CCS

[24] See definitions in different member states in the EU-Creativesunite, *This is how we work*, a supplement to the OMC-report on working conditions, created in the context of the EU Work Plan for Culture 2023-2026.

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workers – as well as "performing artists" like actors and "artist-authors," referring to self-employed individuals whose income is based on artistic creation.

In **Hungary**, there is a separate regime for individuals who have achieved high artistic distinction and recognition in a number of fields , as well as for members of the Hungarian Academy of Arts, who have demonstrated outstanding creative or intellectual accomplishments in the Hungarian artistic field ("Artist of the Nation").

Other countries have adopted a narrower definition, granting the status of artist only to those directly involved in artistic creation or performance. **Austria** and **Germany**, for example, define an "artist" as someone who creates or performs art in specific fields. **Finland** similarly defines a "professional artist" as someone who "creates, performs or interprets art" as their primary or secondary occupation and who possesses formal education or recognised expertise in a particular artistic discipline.

The notion of a "professional" artist is often linked to employment status, typically referring to freelance or self-employed workers. In **Croatia**, for example, the term "independent artist" applies to self-employed individuals engaged in artistic creation and operation as their only and main occupation. In the audiovisual sector, this includes film directors, screenwriters, actors, cinematographers, stage managers etc. Likewise, **Cyprus** refers to cultural professionals in terms of their employment status, specifically as freelances or self-employed workers. The reference to employment status in the definition of artists is common across many countries, probably because most legislation concerning artists' status is tied to labour laws or social protection systems. This is the case in such countries as **Austria**, **Bulgaria**, **Cyprus**, **Denmark**, **Germany** and **Ireland**, to name just a few.

1.3.2. Varying approaches to national registration

Several countries have established registration systems for artists and cultural professionals. **Slovakia** has a public register administered by the Slovak Arts Council, categorising individuals as "professional artist" or "other cultural professional." **Slovenia** maintains a special register for self-employed professionals in the cultural sector, primarily to regulate access to state-paid social security contributions. **Portugal** has the Cultural Professionals Registry (RPAC), which is a voluntary registry, but a necessary condition to benefit from the special social protection regime.

In contrast, many countries do not have a centralised national register of artists. Countries like **Denmark**, **Ireland** and the **Netherlands** do not maintain specific registers. While artistic associations may maintain membership lists, there is no official state-level registration. In some countries, such as **Czechia**, there are plans to establish a register of artists in the future.

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1.3.3. Varying scope of the CCS

The CCS are characterised by the diversity of their activities and the wide range of subsectors they encompass. Although the NACE codes (4-digit) are mandatory for the EU-27, member states can add further details at a national level. This may, in some cases, lead to variations with regard to the specific branch considered and it explains the lack of a uniform or harmonised definition of the CCS across the EU.

In general, the concept includes the following subsectors: literature and press, visual arts, performing arts, audiovisual media, museums and heritage, architecture, photography and crafts.[25] In addition, depending on the country, other subsectors like fashion and graphic design, advertising, sports, gambling, interactive media and video games may also be considered part of the CCS.[26]

These variations largely reflect differing national policy priorities and data availability, as well as the lack of a widely recognised international statistical standard for defining the CCS.[27]

Focus Box: Classification challenges in the video game sector

In the video games sector specifically, as explained previously, the NACE classification is far from being clear for studios/developers. In some countries, statistical authorities or trade associations encourage studios to use J58.21 (publishing of computer games), while, in others, studios tend to use broader IT or creative codes. This fragmented use of codes means that the same type of company may be classified as “publishing”, “programming”, or “artistic creation”, depending on the country or even local guidance. In terms of funding and policies, at EU level, the Creative Europe programme includes video games within the CCS. For example, video game development can receive MEDIA funding. While some member states — e.g. France, Germany, Finland and the Netherlands — have explicitly integrated video games into their national CCS strategies with dedicated public support mechanisms, this is not the case across the EU. In many member states, video games are still not consistently recognised as part of the CCS. This is largely due to outdated statistical classification systems and policy frameworks, which continue to place video games under ICT or software industries rather than cultural production. As a result, some national CCS policies exclude games from cultural funding, either due to ambiguous classifications or narrow interpretations of what constitutes "culture."

As highlighted in Annex 2 of this report, despite these national differences there is a broadly shared recognition across member states of a core group of sectors within the CCS. These

[25] Eurostat, *NACE Rev. 2 - Statistical classification of economic activities in the European Community*, providing statistics on cultural employment for economic activity (sector of employment), ISCO-08 for occupation and ISCED 2011 for educational attainment level.
[26] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, on behalf of the European Labour Authority (ELA), September 2024.
[27] OECD, *The Culture Fix: Creative People, Places and Industries*, op. cit, p. 26.

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typically include the performing arts, visual arts, film and audiovisual media, music, books, and cultural heritage. Variations arise mainly with regard to whether sectors such as advertising, software or gaming are included.

1.3.4. Towards more recognition despite fragmentation

One of the most significant developments in recent years across Europe is the growing adoption of dedicated legislation and policy frameworks that address the specific circumstances of artists and CCS professionals.[28] Examples include recent initiatives in Belgium (2022), Ireland (2020), Latvia (2022), Luxembourg (2023), Malta (2024), Portugal (2021), Romania (2023), Slovakia (2020) and Spain (2023).[29]

These measures reflect a broader evolution in legal definitions, which are expanding to encompass the diversity of occupations within the sector. Many countries are moving beyond narrow conceptions of the "artist" to recognise a broader range of cultural contributors – such as technical and support staff, cultural educators, and digital creatives. This shift reflects a growing awareness that challenges like job insecurity, limited mobility and insufficient social protection impact a much wider group than just those directly involved in artistic creation or performance.

In addition, several countries are working towards more comprehensive legal frameworks to improve the working conditions of cultural professionals. These often include measures related to contracts, access to social benefits, education and cross-border mobility. Strengthening national systems in this way may serve as a foundation for improved recognition and conditions across the sector, even in the absence of EU-wide harmonisation.

Another area of progress is the increased use of digital tools to better identify, register and support artists. Countries such as **Greece** and **Romania** are developing national digital platforms or registers – like Romania's Register of Professional Cultural Workers – which aim to bring greater visibility and coherence to the cultural workforce, while facilitating access to targeted support measures.

At the same time, many countries rely on professional practice as a key criterion for recognition, often requiring individuals to meet certain thresholds of income, time spent on cultural activities or membership in recognised professional bodies. Such criteria help distinguish between occasional or amateur creators and those whose primary livelihood depends on cultural work.

Despite these positive developments, significant legal fragmentation persists. Definitions, eligibility criteria and support mechanisms vary widely across national contexts, making it difficult to ensure consistent rights or mobility for cultural professionals at European level. A survey by Creative Pulse on the status and working conditions of artists

[28] Polivtseva, E. *What do you mean by 'status of the artist'?* CREATIVESUNITE, 8 February 2025.
[29] Ibid. See further details on recent legislation and policy frameworks in Annex 1 of this report.

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and CCS professionals in Europe[30] highlights this issue: 48% of respondents reported that the absence of a uniform definition of "artist" or "cultural worker" across the EU negatively affects their working conditions. This inconsistency contributes to unstable employment patterns and undermines access to adequate social protection.

This report analyses the main challenges linked to working conditions in terms of a definition of the status of the artist, employment and contractual relations, access to social protection systems, mobility and taxation issues, with special focus on the audiovisual sector. It does not cover aspects related to fair remuneration[31] nor training, skills and the employability of artists and other CCS professionals.[32]

[30] Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe*, Report of the OMC (Open Method of Coordination) group of EU Member States' experts, Publications Office of the European Union, May 2024, p. 29.
[31] See, Lacourt, A., Radel-Cormann, J., Valais S., *Fair remuneration for audiovisual authors and performers in licensing agreements*, IRIS Plus, European Audiovisual Observatory, Strasbourg, December 2023.
[32] Pasikowska-Schnass, M., *Briefing on Employment in the cultural and creative sector*, European Parliamentary Research Service, PE 642.264, October 2019.

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2. Overview of the cultural and creative sectors

This section provides an overview of the cultural and creative sectors (CCS), examining their composition, workforce and working patterns, supported by key figures. The CCS are fundamental to Europe's identity and economy, encompassing diverse subsectors, with varying business models and levels of recognition and support. Digitalisation and emerging technologies, such as generative AI, continue to reshape the CCS, creating both opportunities and challenges. While this section outlines the main employment trends and structural features, a more detailed discussion of the specific challenges faced by CCS workers – such as precarious working conditions, access to social rights or cross-border mobility issues – will follow in section 4.

2.1. Trends in labour composition

2.1.1. Youth employment

A 2023 ILO report entitled "The Future of Work in the Arts and Entertainment Sector"[33] highlights the fact that emerging business models in the arts and entertainment sector are characterised by relatively young, often self-employed workers responsible for financing their own projects through crowdsourcing, grants and subsidies. In particular, the motion picture, video[34] and television programme production subsector, along with sound recording and the music sector, accounts for a considerable share of youth employment in selected countries or territories compared to other subsectors. The digital shift further increases demand for digital skills, typically held by younger people.

Although this trend is evident globally in developing countries, both at subsectorial level and in the overall sector, in developed regions such as Europe, cultural employment still includes a significant proportion of workers aged over 65 (4% of cultural workers), which is higher than in most other economic activities.

Young entrants often accept unpaid work as part of the career building "process" in a very competitive environment. Internships are used as entry points, opportunities for

[33] ILO, *The future of work in the arts and entertainment sector*, Report for the Technical Meeting on the Future of Work in the Arts and Entertainment sector (Geneva, 13-17 February 2023), International Labour Office, Sectoral Policies Department, Geneva, 2023.
[34] It refers to video production, i.e. the creation of audiovisual content as recorded video content (e.g., corporate videos, online media, commercials), short films or documentaries not intended for theatrical release, digital streaming content, etc. It is part of the broader category of "motion picture, video and television programme production" in NACE and ISIC classifications.

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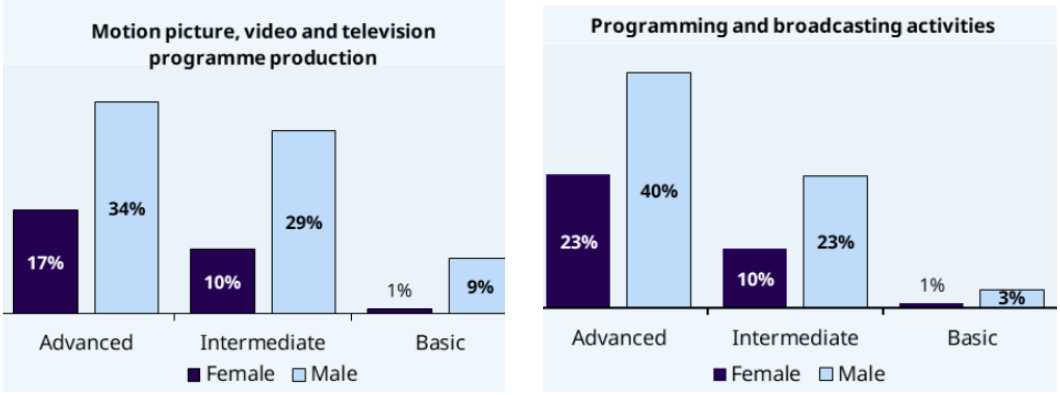
networking and hands-on experience in the film, television and music sectors. However, this can lead to short-term or fragmented work. Many young artists invest personal resources to gain visibility but face high unemployment and short job tenures. Even highly educated young people may struggle to find stable work as their skills may not align with market needs, and limited access to career guidance compounds the challenge.

2.1.2. Employment by gender and education level

According to ILO data,[35] the arts and entertainment sector is characterised by a highly educated workforce. In 2019, around 47% of workers had a high level of advanced education, followed by 32% with intermediate education. Microdata analysis also shows an increase in workers with advanced education in the creative, arts and entertainment activities sector (74%) with a 36% increase in the programming and broadcasting sector and a 30% increase in the motion picture subsector.

The distribution of the employment share in the respective subsectors by gender and education level in 2019 still shows a greater proportion of men across the different subsectors and the different education levels. The creative, arts and entertainment subsector was the only one which had more workers with a basic level of education, representing 34% of its total workforce of both male and female workers.

Table 1. Employment share by gender and education level in some audiovisual subsectors (2019)



Source: ILO, Report of the Technical Meeting on the Future of Work in the Arts and Entertainment sector (2023)

[35] ILO, *The future of work in the arts and entertainment sector*, op. cit.

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2.2. Special features on employment

According to Eurostat statistics, an estimated 7.7 million people were employed in the CCS in the EU in 2023, representing 3.8% of total EU employment.[36] Among them, an estimated 1.7 million worked as creative and performing artists, authors, journalists and linguists. However, the actual number of persons engaged in the CCS is likely to be much higher, as some subsectors (e.g. sport and video games) and occupations (e.g. cultural centre managers, etc.) are not included in these figures for methodological reasons. In addition, secondary jobs, which constitute a significant proportion in the CCS as many individuals engage in cultural activities as a secondary economic activity, are excluded from Eurostat's cultural employment figures.

2.2.1. Freelance work and self-employment

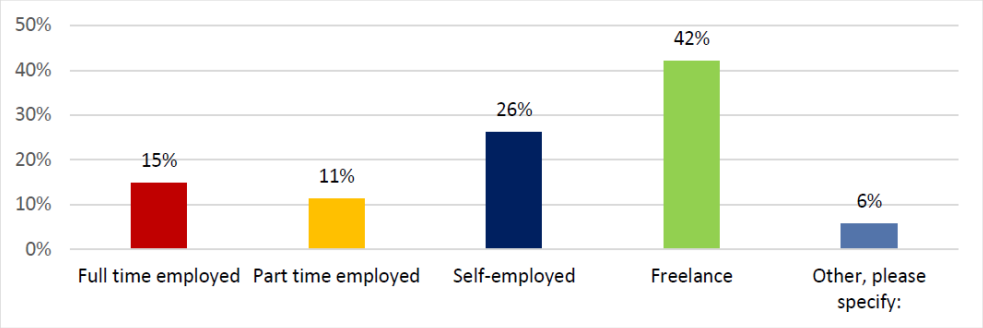
The CCS are characterised by a high proportion of self-employed and freelance workers, reflecting the autonomy and specialised nature of many professions within the industry as well as the inherent by-project nature of the sector. According to the European Labour Authority (ELA), almost a third of CCS workers are self-employed, compared to only 13.8% in other sectors of the economy.[37] As a result, artists and CCS professionals often engage in a variety of work arrangements, alternating between different forms of employment, professions, contracts and employment statuses.

Employment structures vary significantly across member states, encompassing diverse contract types, such as part-time, fixed-term, temporary, and short-term project-based employment.[38] A survey conducted by Panteia and Culture Action Europe between December 2023 and February 2024 among artists and CCS professionals, cultural organisations and national governments from the EU-27[39] highlights key employment trends across the EU.[40]

[36] EUROSTAT, *Cultural employment by NACE Rev. 2 activity (2008-2026)*, op. cit.
[37] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, op cit.
[38] EPRS Study on *EU framework for the social and professional situation of artists and workers in the cultural and creative sectors*, (2023), op. cit.
[39] In total 1204 artists and CCS professionals responded to the survey, with at least one artist from each of the 26 Member States. In addition, 293 cultural organisations, institutions and policy makers responded to the survey.
[40] Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe*, op. cit.

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Table 2. Employment type of respondents to the Panteia survey or artists and CCS professionals, 2024 (%)



Source: Panteia, 2024

2.2.2. Precarity and multiple jobs

A recent ELA study[41] revealed the precarious working conditions faced by many of the sector's 7.7 million professionals in the EU. While the study does not provide specific data to the European audiovisual sector, these challenges are largely driven by widespread self-employment and temporary contracts that often lack adequate social protection, such as health and pension insurance.

These issues are further compounded by the increasing use of digital platforms and the cross-border mobility of artists, which raise further challenges around taxation and worker classification. Adding to the complexity, in the CCS, the line between working time, "hidden" working time (like practice or project development), and personal time is often blurred.

The ILO[42] highlights the sector's unique and diverse employment patterns, characterised by a wide range of contracts and job types. Irregular income from primary roles often leads workers to take on secondary jobs – sometimes outside the arts – which may become their main source of income.

This reality is reflected in findings from the Panteia-Culture Action Europe survey, which showed that 68% of artists and CCS professionals surveyed reported holding more than one job, with 34% of these second jobs being outside the sector.

[41] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, op. cit.
[42] ILO, *The future of work in the arts and entertainment sector*, op. cit.

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Table 3. The situation of audiovisual directors and screenwriters in the EU



Source: Creativesunite

As illustrated in the graph, according to ELA, 80%-90% of authors working in cinema, television and/or documentary are employed on temporary contracts. Moreover, 55.1% of directors and 49.4% of screenwriters report that, in at least one year of the last five years, they did not do any production as an audiovisual author, highlighting the high prevalence of long periods of inactivity or unpaid activity. In addition, 42% of screenwriters and 34% of directors hold a second paid job outside the sector.[43]

2.2.3. High mobility

Mobility is a fundamental aspect of artistic and creative work, enabling artists and cultural professionals to gather new perspectives, engage with diverse cultures and continually reshape their vision. This dynamic exchange is essential to artistic practice, as creativity is nourished by exposure to different techniques and ideas.

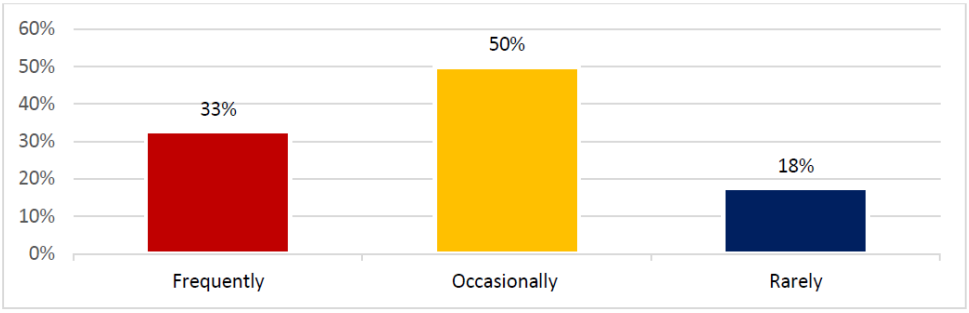
Beyond its artistic value, mobility plays a crucial role in career development, often leading to increased income and professional opportunities. In countries where the internal cultural scene is more limited, mobility is particularly vital to ensure a stable income for artists, cultural workers and organisations.

[43] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, op. cit., p. 19.

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According to a survey conducted by Panteia and Culture Action Europe,[44] between 33% and 50% of artists and CCS professionals who engage in cross-border work reported experiencing frequent or occasional mobility, as illustrated in the figure below.

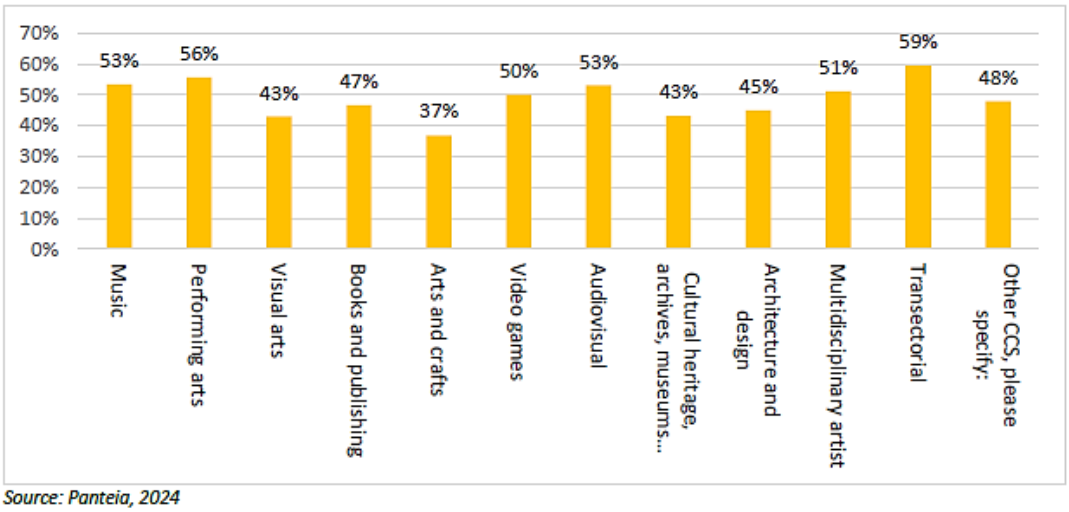
Table 4. Frequency of mobility of artists and CCS professionals who indicate that they work cross-border, 2024 (%)



Source: Panteia, 2024

In the audiovisual subsector, the percentage of artists and CCS professionals who indicated they work cross-border was 53% in 2024.

Table 5. Percentage of artists and CCS professionals who indicate they work cross-border, by subsector, 2024 (%)



Source: Panteia, 2024

[44] Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe*, op. cit. p. 14.

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2.3. Global trends in the cultural and creative sectors

2.3.1. Variety of enterprise in the CCS

In the EU cultural sector, businesses employing fewer than 250 people, i.e. small, and medium-sized enterprises (SMEs), tend to dominate. In 2022, SMEs employed most of the EU's workers across the various economic activities relating to culture, with the exception of programming and broadcasting. Furthermore, most EU workers in creative, arts and entertainment activities (78%) were employed by micro enterprises (those employing fewer than 10 people).[45]

As illustrated in the figure below, the size of enterprises in the EU audiovisual sector varies significantly between subsectors. Motion picture and video and television programme production (as well as sound recording and music publishing activities) are dominated by micro, small, and medium-sized enterprises (MSMEs), which collectively account for the largest share of businesses and of the workforce. In contrast, broadcasting and programming activities are highly consolidated, with two-thirds of people (67.3%) employed by large companies.

Table 6. Main indicators for selected cultural activities, by enterprise size class, EU, 2022

		Number of enterprises (thousands)	Number of persons employed (thousands)	Value added (€ million)
Motion picture, video and television programme production, sound recording and music publishing activities	All enterprises	181.6	:	28,100 (*)
	All SMEs (%)	:	80.6 (*)	72.4
	– micro (%)	:	46.1 (*)	31.0
	– small (%)	2.2 (*)	17.9 (*)	19.0
	– medium (%)	0.4	16.6	22.5
	Large (%)	0.1	19.4 (*)	27.7 (*)
Programming and broadcasting activities	All enterprises	8.8	153.0 (*)	14 534.8
	All SMEs (%)	99.1	33.0 (*)	22.3
	– micro (%)	88.0	9.4	3.2
	– small (%)	8.9	10.4 (*)	6.1
	– medium (%)	2.1	13.2	13.0
	Large (%)	0.9	67.3 (*)	77.7

Source: Eurostat

Globally, the ILO estimates that in 2020 (pre-COVID), 61% of the sector consisted of own-account workers and microenterprises.[46] In 2018, data showed that in most cultural

[45] Eurostat, *Culture statistics – cultural enterprises*.
[46] ILO, *ILO Monitor: COVID-19 and the World of Work – Updated Estimates and Analysis*, third edition, 2020.

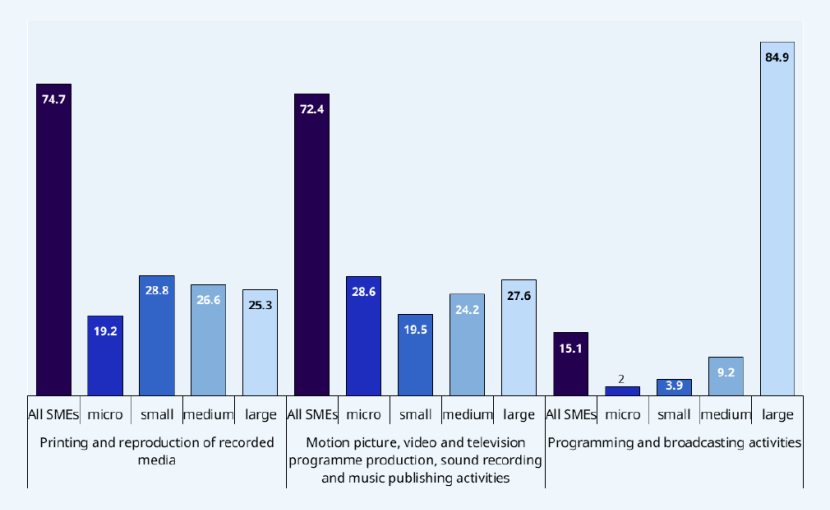
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activities – outside of programming and broadcasting – more value-added was generated by MSMEs than large enterprises.

Yet, this prevalence marks a deep fragility: MSMEs in Europe and worldwide, particularly in developing countries, face persistent barriers, such as unequal access to digital technologies and funding, which undermine their growth and sustainability. According to ILO data,[47] enterprises in the CCS have the lowest survival rate in Europe. Many depend on public funding, which has steadily declined over the years, and often lack the skills needed to ensure business viability – a situation that has exacerbated during the COVID pandemic.

Against this backdrop, social and solidarity economy (SSE) entities, such as cooperatives, have emerged as alternative organisational models that can help address some of these vulnerabilities. According to ILO,[48] in 2017, 2.8 million SSE were active in European countries, accounting for 6.3% of employment in the region. They foster more resilient and inclusive working models in the sector by aggregating workers, improving access to benefits, funding, and support services, and promoting formalisation and local development. However, concerns remain about pseudo-SSE entities that bypass labour laws and create unfair competition for MSME that comply with legislation.[49]

Table 7. Value added at factor cost (millions of euros) by enterprise size, 2018



Source: ILO, The Future of Work in the Arts and Entertainment Sector (2023)

[47] ILO, *The future of work in the arts and entertainment sector*, op. cit., p. 43.
[48] ILO, *Cooperatives and the Wider Social and Solidarity Economy as Vehicles to Decent Work in the Culture and Creative Sector*, ILO Brief, 2021.
[49] Ibid.

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2.3.2. Digitalisation and new business models

A series of major global trends are reshaping the CCS, both in terms of its economic structure and working conditions. Globalisation has expanded access to international markets through digital distribution, transforming traditional business models and facilitating the rise of powerful cross-border platforms. While this has increased exposure and potential revenue streams for artists and CCS professionals, it has also led to greater market concentration, particularly in subsectors such as the audiovisual sector.[50]

Technological developments are drastically changing modes of production, dissemination, and consumption. Streaming, social media and user-generated content are redefining the relationship between creators and audiences. At the same time, automation, artificial intelligence (AI), and new tools like virtual reality are changing the creative process and the types of skills in demand. These shifts offer opportunities for entrepreneurship and innovation but also raise growing concerns among artists and CCS professionals – reflected in recent surveys[51] regarding IP rights, fair remuneration and job displacement, alongside the risk of widening disparities in working conditions and access to social protection.[52]

2.3.3. Impact of COVID-19

The COVID-19 pandemic severely disrupted the CCS, leading to immediate closures, job losses and long-term structural shifts. UNESCO estimated a global loss of 10 million jobs in the broader CCS in 2020, with creators' incomes dropping over EUR 1 billion.[53] In the EU, according to Eurostat, cultural employment fell by approximately 222 000, or 3% from 2019 to 2020 (Eurostat, 2023). This decline reflected widespread layoffs, reduced opportunities and contract cancellations in creative industries dependent on in-person interactions and events. The crisis also led to a deterioration in working conditions for a majority of artists and CCS professionals, as highlighted in the Creative Pulse Survey.[54] For many CCS workers – especially those in non-standard forms of employment – it resulted not only in lost income but also in reduced opportunities for networking and securing future work.[55]

The pandemic had an uneven impact across subsectors of the CCS. Venue-based activities such as cinemas, theatres and festivals suffered drastic declines due to closures and restrictions. In contrast, digital and virtual services such as gaming, animation and

[50] ILO, *The future of work in the arts and entertainment sector*, op. cit.
[51] Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe*, op. cit. pp. 28 ff.
[52] Dr Mafalda Dâmaso et al, *The Situation of Artists and Cultural Workers and the post-COVID-19 Cultural Recovery in the European Union*, Policy Department for Structural and Cohesion Policies, European Parliament, March 2021.
[53] UNESCO, *Re|Shaping Policies for Creativity – Addressing culture as a global public good, 2022*. See also ILO, *The Future of Work in the Arts and Entertainment Sector*, op. cit.
[54] Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe*, op. cit.
[55] Khlystova, O., Kalyuzhnova, Y., Belitski, M., *The impact of the COVID-19 pandemic on the creative industries: A literature review and future research agenda*, 2022.

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streaming experienced significant growth. The crisis accelerated the sector's digital transition but also revealed the fragility of employment and social protections, particularly for freelancers and small enterprises.[56] At the same time, it intensified recoupment challenges in the film industry, which relies on release/exploitation on a wide range of distribution windows to recover development, production and marketing costs.

National governments across Europe introduced unprecedented measures to support the CCS during the crisis. Until autumn 2022, public measures were mainly focused on short-term emergency support, but this financial support did not compensate for the sector's losses. In addition, several studies indicate that innovation efforts in emergency response and recovery have been too narrow, focusing primarily on digital opportunities while overlooking broader crises impacting the CCS and their societal role – such as health, environmental sustainability, social cohesion, international solidarity and the economy.[57]

A recent study by trade unions in the live performance and audiovisual sectors[58] reveals that post-COVID employment recovery has been uneven across countries and subsectors. While digital media have experienced employment growth, freelancers, gig workers[59] and small cultural enterprises have experienced a slower recovery, largely due to the absence of financial safety nets and social protection. The study also highlights gender disparities: women, particularly in the audiovisual sector, suffered greater job losses owing to their overrepresentation in precarious and informal roles.

Improving working conditions remains a joint preoccupation within the sector. This is reflected in the ILO Conclusions on the Future of Work in the Arts and Entertainment sector,[60] negotiated by employers and employees delegations and ILO member states and adopted in 2023, while the above-mentioned study reports a perceived deterioration in the aftermath of the pandemic, particularly with regard to working time, work-life balance and health. Job insecurity also remains a constant concern.

At a broader level, the study also raises concerns about the impact of digitalisation and AI on employment, particularly in areas such as editing, dubbing and scripting. These developments give rise to disquiet about potential job displacement, which could disproportionately affect women.[61] Trade unions argue that the rapid expansion of streaming platforms during the pandemic has consolidated market power within a few dominant players, accelerating the shift towards digital business models, while it is also reported that traditional business models in production continue to coexist in Europe (commissioning, share of risks between several operators). According to the trade unions study, this has contributed to the emergence of a "labour market monopsony," where a few

[56] Isabelle De Voldere et al, *Cultural and creative sectors in post COVID-19 Europe, IDEA Consult*, research for CULT Committee, Policy Department for Structural and Cohesion Policies, EU Parliament, February 2021.
[57] Ibid.
[58] Baranska, P. and Picard, S., "The post COVID transformations in the Live Performance and Audiovisual sectors – a trade union analysis" Progressive policies (2025), draft version 25 April 2025.
[59] Gig work, also called non-standard work, consists of income-generating activities outside traditional, long-term, direct-hire employment. See definition on the *GIG Economy DATA HUB* website.
[60] ILO, *Conclusions of the Technical meeting on the future of work in the arts and entertainment sector*, 28 February 2023.
[61] Baranska, P. and Picard, S., "The post COVID transformations in the Live Performance and Audiovisual sectors – a trade union analysis" Progressive policies (2025); op. cit., p. 10.

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powerful employers exert disproportionate control over working conditions, wages and job security.

More generally, trade unions are calling for stronger protections and fairer labour practices in a sector where they consider that job quality and wages are stagnating. In particular, they highlight the significant challenges they face in organising and representing a fragmented workforce made up largely of self-employed workers.

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3. Policy and legal framework

3.1. International framework

3.1.1. UNESCO Recommendation on the Status of Artists

International recognition of the need to improve the status of artists dates back to the 1980 UNESCO General Conference, which adopted a recommendation to enhance the professional, social and economic conditions of artists.[62] The 1980 Recommendation does not call on states to grant artists specific privileges but rather to grant them analogous rights to any other socio-professional group whose work has specific characteristics that need to be addressed through special measures. It calls for policies on training, social security, employment, taxation, mobility and freedom of expression, while recognising artists' rights to be organised in trade unions or professional organisations that can represent and defend the interests of their members. Serving as a policy roadmap, the recommendation aims to foster a supportive environment for artists' work. Its implementation is monitored through quadrennial periodic reports and a global survey, with UNESCO inviting input from member states and relevant organisations every four years.

Decades later, the recommendation remains relevant, especially in light of ongoing global challenges in the field of social and economic rights and the evolving impact of digital technologies on the work of artists and CCS professionals. In 2005, UNESCO further reinforced these principles through the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, aimed at safeguarding artistic freedom and fundamental rights.[63]

3.1.2. Council of Europe legal and policy developments

At the Council of Europe (CoE) level, the status and working conditions of artists and CCS professionals, including journalists, are grounded in several key legal and policy instruments. Article 10 of the European Convention on Human Rights (ECHR) is central as it guarantees freedom of expression, which explicitly encompasses artistic and journalistic freedom and extends to the freedom to create.[64] The European Social Charter (revised)[65]

[62] UNESCO, *Recommendation concerning the Status of the Artist*, adopted by the General Conference at its twenty-first session, Belgrade, 27 October 1980.
[63] UNESCO, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, 2005.
[64] CoE, *European Convention on Human Rights* (ECHR).
[65] CoE, *European Social Charter (revised)* (ETS No. 163), 1 July 1999.

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complements this by safeguarding social and economic rights, such as fair working conditions and social protection, for all workers – including those in the cultural and creative sectors.

The "Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era",[66] adopted in November 2020, reaffirms the right of artists to create freely, particularly in the context of digital transformation, and draws attention to growing pressures on artistic freedom, highlighting the severe impact of the COVID-19 crisis on the working conditions and income of artists and the cultural sector.[67]

Together with the case law of the European Court of Human Rights (ECtHR), these instruments form a coherent framework for the protection and recognition of artists, cultural professionals and journalists, addressing both their rights to free expression and the need for a secure and enabling environment for their work.

3.1.3. ILO international labour standards

In the area of workers' rights, the International Labour Organization (ILO), the only UN agency with the tripartite representation of governments, employers and workers, has over the years developed international labour standards through numerous non-binding recommendations and binding conventions creating obligations under international law for the ratifying countries. These include workers' right to social security,[68] fair wages, freedom of association and collective bargaining,[69] as well as protection against discrimination, among other rights.

In 2012, ILO Recommendation R202 on social protection floors[70] emphasised the need for universal access to essential healthcare and basic income security throughout the life cycle. While primarily focused on workers in an employment relationship, the ILO also highlights the need to extend protections to the self-employed. This was reiterated at the 2023 ILO Technical Meeting on the Future of Work in the Arts and Entertainment Sector[71], where conclusions called for universal access to social protection for all CCS professionals, including the self-employed, supported by bilateral agreements to ensure the portability of social benefits and the recognition of employment status across borders.

Artists' working conditions are also regularly addressed in global forums such as the G20. In 2022, the Mondiacult Declaration – adopted by Ministers of Culture at the UNESCO World Conference in Mexico City – reaffirmed commitments to strengthen the economic

[66] CoE, *Manifesto on the freedom of fxpression of arts and culture in the digital era, Steering Committee for Culture, Heritage and Landscape (CDCPP)*, 10 November 2020.
[67] The working conditions of other professionals from the CCS, such as journalists, have also been addressed by the Council of Europe, notably through *Recommendation CM/Rec(2016)4* on the protection of journalism and safety of journalists and other media actors, or more recently the Parliamentary Assembly of the Council of Europe (PACE) *Resolution 2213 (2018)* on the status of journalists.
[68] ILO, *Social Security (Minimum Standards) Convention*, 1952 (No. 102).
[69] ILO, *Right to Organise and Collective Bargaining Convention*, 1949 (No. 98).
[70] ILO, *Social Protection Floors Recommendation*, 2012 (No. 202).
[71] ILO, *Technical meeting on the future of work in the arts and entertainment sector*, 2023.

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and social rights of artists, support IP rights and safeguard artistic freedom and freedom of expression.[72] These rights are rooted in core human rights instruments, including the 1948 Universal Declaration of Human Rights[73] and the 1966 International Covenant on Economic, Social and Cultural Rights.[74] They also align with the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goals (SDGs) 8.8 (labour rights and safe working conditions), 16.10 (protection of fundamental freedoms) and others (SDGs 4, 10, and 17), reflecting the global commitment to inclusive and sustainable cultural policies.[75]

3.2. EU legal and policy context

3.2.1. EU cultural and social policy competences

At EU level, the treaties define the division of competences between the Union and its member states. Cultural policy remains primarily a national competence, while the EU plays a supporting and coordinating role in encouraging cooperation between member states and, when necessary, supporting and supplementing their actions in such areas as artistic and literary creation, including the audiovisual sector, while respecting national and regional diversity (Article 167 of the Treaty on the Functioning of the European Union – TFEU).[76] In addition, the EU is committed to preserving Europe's cultural and linguistic diversity (Article 3 Treaty of the European Union – TEU)[77] and upholding rights related to freedom of expression and artistic creation (Article 6 TEU). Within this framework, the EU contributes to cultural initiatives linked to broader policy goals, such as improving artists' working conditions. Legislation like the modernised copyright rules, the Audiovisual Media Services Directive and policies on online platforms or VAT reform also affect the CCS.

In social policy, the EU acts under shared competence (Article 9 TFEU), ensuring alignment with goals such as a high level of employment, adequate social protection, social inclusion, and access to education, training and healthcare. In order to support these aims, the EU has over the years developed a mix of legal and soft-law instruments. In 2017, it introduced the European Pillar of Social Rights,[78] which sets out a framework based on equal opportunities, fair working conditions and social inclusion. Key principles include preventing precarious employment by restricting the misuse of atypical contracts (Principle

[72] UNESCO World Conference on Cultural Policies and Sustainable Development, *MONDIACULT 2022*, Final declaration (28-30 September 2022, Mexico City).
[73] United Nations (UN), *Universal Declaration of Human Rights*, 1948.
[74] UN, *International Covenant on Economic, Social and Cultural Rights*, General Assembly resolution 2200A (XXI), 16 December 1966.
[75] UN, *The 17 Sustainable Development Goals (SDGs)*, Department of Economic and Social Affairs.
[76] EU, *EU treaties currently in force*.
[77] Ibid.
[78] EU, *Interinstitutional Proclamation of the European Pillar of Social Rights*, (2017/C 428/09) December 2017.

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5) and ensuring self-employed individuals have access to adequate social protection when their situation is comparable to that of workers (Principle 12).[79]

3.2.2. EU labour and social law and non-legislative instruments

EU labour and social law does not include legislation specific to the CCS but generally applies to all workers with employment contracts, as set out in Articles 151–153 TFEU. This legal framework enables the EU to establish minimum standards for working conditions, social security and social protection across member states.

Key directives illustrate the breadth of this framework: Directive 2003/88/EC on working time[80] regulates maximum weekly hours and minimum rest periods; Directive (EU) 2019/1152[81] ensures transparent and predictable working conditions by requiring employers to provide clear information on employment terms. Minimum wage standards are set by Directive (EU) 2022/2041;[82] Temporary agency work, part-time and fixed-term contracts are governed by Directives 2008/104/EC,[83] 97/81/EC[84] and 1999/70/EC[85], aiming to prevent the less favourable treatment of these workers; Directive 2019/1158[86] establishes minimum rights to parental, paternity and carers' leave and supports flexible working arrangements; Pay transparency and the reduction of the gender pay gap are addressed by Directive (EU) 2023/970.[87]

Social protection and mobility are further supported by Regulation (EC) No. 883/2004),[88] which coordinates social security systems to ensure that workers moving within the EU retain their social security rights. Equal treatment for both employees and the self-employed is promoted by Directive 2010/41/EU.[89] Mobility is also facilitated by Regulation (EU) 2019/1149, which established the European Labour Authority, Directive

[79] Kammerhofer-Schlegel, C., et al., *EU framework for the social and professional situation of artists and workers in the cultural and creative sectors*,op. cit.
[80] EU, *Directive 2003/88/EC of 4 November 2003* concerning certain aspects of the organisation of working time.
[81] EU, *Directive (EU) 2019/1152 of 20 June 2019* on transparent and predictable working conditions in the European Union.
[82] EU, *Directive (EU) 2022/2041 of 19 October 2022* on adequate minimum wages in the European Union.
[83] EU, *Directive 2008/104/EC of 19 November 2008* on temporary agency work.
[84] EU, *Council Directive 97/81/EC of 15 December 1997* concerning the framework agreement on part-time work concluded by UNICE,CEEP and ETUC.
[85] EU, *Council Directive 1999/70/EC of 28 June 1999* concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.
[86] EU, *Directive 2019/1158 of 20 June 2019* on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.
[87] EU, *Directive (EU) 2023/970 of 10 May 2023* to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanism.
[88] EU, *Regulation (EC) No. 883/2004* of 29 April 2004 on the coordination of social security systems.
[89] EU, *Directive 2010/41/EU* of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

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96/71/EC[90] on the posting of workers and Directive 2005/36/EC[91] on the recognition of professional qualifications.

Despite this comprehensive framework, EU labour and social law primarily applies to workers with employment contracts and generally does not extend to the self-employed. Self-employed individuals are typically regarded as independent economic actors rather than employees, which excludes them from many protections and collective rights, such as certain social security measures and – at least until recently -collective bargaining.[92] As a result, many artists and CCS professionals – who often work as self-employed, freelancers or on short-term contracts – fall outside the full scope of these protections. This can lead to more precarious working conditions, lower and irregular incomes and less access to social security compared to standard employees.

Recent EU initiatives have begun to address some of these gaps, particularly for those workers in economically dependent positions and for platform workers, such as the recently adopted Directive (EU) 2024/2831 aimed at improved working conditions for platform workers.[93] Non-legislative instruments complement EU labour law by encouraging member states to enhance social protection for all workers, including the self-employed, and to coordinate employment policies. Notable examples include the 2019 Council Recommendation on access to social protection for workers and the self-employed[94] encouraging member states to close coverage gaps and improve transparency. Complementing this, the 2022 guidelines on collective agreements for solo self-employed persons[95] clarify that competition law does not prevent self-employed individuals – who are in a comparable position to workers – from collectively negotiating and concluding agreements to improve their working conditions. These guidelines aim to support better social protection and fairer terms for solo self-employed professionals, particularly those in weaker bargaining positions.

In addition, platforms like the EU Platform on Undeclared Work and mechanisms such as the European Semester foster cooperation, policy convergence and the extension of social protections, particularly for non-standard and precarious workers.

Focus box: The Platform Work Directive (EU) 2024/2831

On October 2024, the EU adopted a new Directive (EU) 2024/2831 on improving working conditions in platform work (the "Platform Work Directive", PWD).[96] The PWD regulates the working conditions of individuals who work via digital platforms

[90] EU, *Directive 96/71/EC* of 16 December 1996 concerning the posting of workers in the framework of the provision of services (amended by Directive (EU) 2018/957) and its enforcement Directive 2014/67/EU.
[91] EU, *Directive 2005/36/EC* of 7 September 2005 on the recognition of professional qualifications.
[92] See below the European Commission 2022 Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons.
[93] EU, *Directive (EU) 2024/2831* of 23 October 2024 on improving working conditions in platform work.
[94] EU, *Council Recommendation of 8 November 2019* on access to social protection for workers and the self-employed 2019/C 387/01.
[95] EU, *Communication from the commission*, Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons 2022/C 374/02.
[96] EU, *Directive (EU) 2024/2831* of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work.

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(often known as "gig workers"). These workers include all platform professionals, regardless of the nature of their contractual relationship or how the parties involved characterise it (employment relationship or self-employment/freelancer). This means that both dependent employees and self-employed platform professionals should benefit from the protective measures of the PWD in future.

The main aim of the PWD in terms of labour law is to standardise the employment status of platform workers within the EU and improve their working conditions. To this end, a rebuttable presumption of an employment relationship (as opposed to self-employment) is introduced. It is up to the member states themselves to determine the criteria for the legal presumption to apply.

In addition, the PWD aims to increase transparency of algorithmic labour management using automated monitoring and decision-making systems and enhancing rights when such systems are used.

3.3. EU policy developments on the status of artists and CCS professionals

3.3.1. Improving the social and professional conditions of artists and CCS professionals

The European Parliament has long advocated for improving the social and professional conditions of artists, starting with its 2007 Resolution on the social status of artists.[97] This early initiative identified key challenges such as precarious employment, inadequate social protection and issues related to income and taxation. It urged member states to develop comprehensive legal and institutional frameworks for creative artistic activity, covering contracts, social security, health insurance, taxation and compliance with EU rules. In addition, it called for the creation of a Europass-type "European professional register" of artists, including information on their status, contracts and employers and encouraged the exchange of best practices across the EU.

The status and working conditions of artists in the CCS have gained renewed attention at EU level following the outbreak of the COVID-19 pandemic. The crisis further exposed and exacerbated long-standing vulnerabilities in the sector, such as unstable employment and limited social protection. In response, the European Parliament adopted in October 2021 a resolution on the situation of artists and the cultural recovery in the EU.[98] It called for the establishment of a "European Status of the Artist" to ensure fair working conditions across the EU. It also stressed the importance of removing barriers to cross-border collaboration, protecting artistic freedom, supporting young creators and securing

[97] EU, *European Parliament Resolution of 7 June 2007* on the social status of artists (2006/2249(INI)).
[98] EU, *European Parliament Resolution of 20 October 2021* on the situation of artists and the cultural recovery in the EU (2020/2261(INI)).

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fair remuneration to artists – particularly in relation to digital platforms and "buy-out clauses".

Building on this momentum, the issue was also prioritised in the EU Work Plan for Culture 2019-2023, which led to the formation of an Open Method of Coordination (OMC) group of member states' experts. Their work resulted in the "The status and working conditions of artists and cultural and creative professionals" report published in 2023, providing further insights and policy recommendations.[99]

Most recently, in November 2023, the Parliament adopted a resolution with recommendations to the Commission on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors.[100] It proposes both legislative and non-legislative tools, including a directive on decent working conditions and a clear employment status for professionals in these sectors, along with Council decisions to establish EU standards through a platform for shared best practices and mutual understanding between member states. The initiative also aims to revise EU funding programmes like Creative Europe and Horizon Europe to ensure compliance with international and EU labour standards and guarantee that artists are paid for all work, including rehearsals and funding application preparation. These efforts culminate in the 2024 push for a comprehensive framework to guarantee fair, clear and sustainable working conditions for artists across Europe.

In March 2024, the European Commission responded to the European Parliament's November 2023 resolution.[101] The Commission outlined 13 initiatives to address these issues, including organising a High-level Round Table with stakeholders in 2024, undertaking analytical work on social protections and occupational health and safety enforcement, and exploring measures against undeclared work. It also emphasised strengthening social conditionality in EU funding programs such as Creative Europe and Horizon Europe to promote fair labour practices. While new legislation is not immediately proposed, the Commission committed to working closely with social partners and member states to improve working conditions, ensure fair remuneration, and enhance cross-border cooperation.

Complementing these policy developments, the European Commission[102] also supports SMEs and entrepreneurs in the CCS, through various capacity-building tools, which provide information and resources on key areas such as access to finance, sustainability,

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[99] EU, *The status and working conditions of artists and cultural and creative professionals*, European Commission, Directorate-General for Education, Youth, Sport and Culture, Report of the OMC (Open Method of Coordination) group of EU Member States' experts, Publications Office of the European Union, 2023.

[100] EP, *European Parliament Resolution of 21 November 2023* with recommendations to the Commission on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors (2023/2051(INL)).

[101] EU, *European Commission reply* of 21 February 2023 to *Article 225 Resolution_EU framework* for the social and professional situation of artists and workers in the cultural and creative sectors.

[102] European Commission (EC), *Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs*, DG GROW.

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digitalisation, intellectual property and skills developments, aiming to strengthen the sector's competitiveness within the single market.[103]

3.3.2. A European agenda for the collaborative economy

The collaborative economy is increasingly relevant for artists and CCS professionals because it is transforming how creative work is produced, shared, and monetised. Digital platforms now allow artists and CCS workers to reach wider audiences, collaborate across borders, and access new sources of income. However, this shift also brings new challenges, such as an unclear employment status, inconsistent access to social protections and complex tax obligations, especially for those who work internationally or across multiple platforms. As the boundaries between traditional employment and freelance or gig work become less distinct, artists and CCS professionals must navigate a landscape where their rights, protections and obligations are not always clearly defined. Understanding the evolving EU policy landscape is crucial for artists and CCS professionals to safeguard their rights, comply with legal requirements and fully benefit from the opportunities offered by the collaborative economy.

In June 2016, the European Commission adopted a Communication on "A European agenda for the collaborative economy"[104], offering guidance on how existing EU laws apply to this sector. It urges member states to assess whether a platform worker qualifies as an employee, by considering such factors as the degree of subordination to the platform, the nature of the work and the existence of remuneration. The aim of these criteria is to help determine the existence of an employment relationship and ensure the appropriate application of employment protections. On taxation, member states are encouraged to simplify and clarify how the different tax rules (income tax, corporation tax, VAT) apply to participants in the collaborative economy. The Commission invites member states to review and, where appropriate, revise existing legislation in line with this guidance. It will monitor regulatory and market developments to address obstacles, aiming to foster innovation and growth within the collaborative economy while ensuring fair competition and consumer protection.

One year later, in June 2017, the European Parliament adopted a resolution for a European Agenda on the collaborative economy[105], as a first step towards a more comprehensive EU strategy. The resolution highlights both the opportunities and the key challenges, including consumer protection and employment relations between collaborative platforms and workers.

[103] EU, *EU tools and initiatives providing concrete solutions to creative SMEs/entrepreneurs*, brochure, 2024.
[104] EU, *A European agenda for the collaborative economy*, Communication from the Commission of the EP, the Council, the European Economic and Social Committee and the Committee of the regions, 2 June 2016.
[105] EU, *European Parliament Resolution of 15 June 2017* on a European Agenda for the collaborative economy (2017/2003(INI)).

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4. Main challenges for artists and CCS professionals

This section explores the main employment challenges faced by workers in the CCS, where non-standard working patterns – such as short-term contracts, self-employment and hybrid roles – are widespread. While the EU legal framework on labour law and working conditions provides important protections for employees with standard contracts (including unemployment benefits, healthcare, pensions and parental leave), these rights often do not extend to self-employed professionals. As previously explained, EU labour regulations draw a clear line between employed and self-employed workers, leaving the latter largely responsible for their own social and labour protections. As a result, many artists and CCS professionals – especially those engaged in project-based or freelance work – fall into a regulatory gap due to diverse and fragmented national rules.

This section also examines how these structural and legal divides affect job stability, income security and access to social protections across the CCS and highlights innovative national-level responses aiming to address these persistent challenges.[106]

4.1. Atypical work and employment status

4.1.1. Project-based contracts and self-employment

The production and project-based nature of work in the CCS, along with the sector's broad diversity of professionals involved, results in a prevalence of multiple, short-term or part-time contractual arrangements – whether employment or service provision contracts – which typically last only for the duration of a project. Sometimes designated as "freelancers",[107] these workers may hold a range of employment statuses depending on national regulations, including self-employed, own-account workers or workers hired under author's contracts, i.e. the legally binding agreement that sets out the terms under which a rightsholder (author, performer..) grants the rights to their work/performance to another party. The regulation of such contractual forms is limited and varies significantly across organisations. These arrangements often enable individuals to hold a number of jobs, with

[106] ILO working paper 28, *Social Protection in the Cultural and Creative Sector*, 2021.
[107] The EU currently does not have a single, harmonised legal definition of "freelancer" across all member states. Freelancers are generally treated as self-employed individuals or "independent professionals", characterised by a high degree of autonomy, payment by task or assignment, short-term client relationship, and the assumption of business risks. Freelancers operate under self-employment status and are responsible for their own taxes, social security, and compliance with relevant regulations. They do not have the same protections as employees, such as labour contract guarantees or social benefits. See for example here: *https://www.euro-freelancers.eu/freelancers-european-sme-definition/*.

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CCS professionals frequently combining several projects simultaneously and relying heavily on networking to bridge employment gaps and maintain financial stability.

Furthermore, according to ILO[108], while traditional contracts still play a significant role in larger institutions, such as broadcasters and major cultural organisations, there is a growing trend among MSMEs and start-ups to adopt more flexible and atypical contractual arrangements. These include job- or employee-sharing[109], ICT-based mobile work,[110] portfolio work[111] and other hybrid or collaborative employment models designed to accommodate the demands of project-based work.

The same ILO source notes that in certain subsectors, such as film and television, careers tend to be especially short-lived, with older professionals facing increasing vulnerability, competitive pressure and job insecurity. In some contexts, the intermittent nature of cultural work means that professionals may lack formal legal recognition as workers, complicating their access to labour rights and protections. The frequent overlap between amateur and professional status further challenges efforts to ensure fair pay and decent working conditions.

While these flexible employment models allow organisations to better manage labour costs, they also contribute to widespread job insecurity and unequal access to social protection and pension schemes for these workers. Social protection and pension systems often fail to keep pace with this evolving labour market. Many CCS workers, especially freelancers and those in hybrid roles, remain inadequately covered by legal frameworks, which were designed for more traditional employment relationships.

4.1.2. Undeclared work and false self-employment

Undeclared work and false (so-called "bogus") self-employment are significant structural challenges in some subsectors of the CCS. These practices compromise employment protections, foster precarious working conditions and distort fair competition within the sector. Undeclared work, as defined by the European Commission, refers to "any paid activities that are lawful as regards their nature but not declared to public authorities, taking into account differences in the regulatory systems of the Member States. This definition excludes criminal activities and work which does not have to be declared."[112] The primary motivation behind this type of work is financial. It enables employers, employees and self-employed individuals to increase earnings or reduce costs by evading taxes and

[108] ILO, *The future of work in the arts and entertainment sector*, op. cit., p. 49.
[109] ILO, *Work-sharing and job-sharing*, Information Sheet No. WT-17, Geneva, August 2004.
[110] Telework and ICT-based mobile work (TICTM) is any type of work arrangement where workers work remotely, away from an employer's premises or fixed location, using digital technologies such as networks, laptops, mobile phones and the internet. See more details here.
[111] According to the *Cambridge dictionary website*, a portfolio worker is a person who works for several different companies or organisations at the same time.
[112] EU, *Communication from the Commission of 7 April 1998 on undeclared work* [COM(98) 219 final - not published in the Official Journal].

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social contributions. Within the CCS, two particularly common forms of undeclared work are unpaid or underpaid services and bogus self-employment.[113]

4.1.2.1. Unpaid or underpaid services and activities

A distinctive aspect of the CCS is the high prevalence of unpaid labour, with workers often performing essential tasks without receiving any direct financial compensation. These activities include not only creative and performance-based work, such as rehearsals or skills development, but also technical, administrative, educational and managerial responsibilities.[114]

For instance, in the audiovisual sector, professionals like film directors and scriptwriters frequently undertake substantial work during the development stage[115] – such as concept creation, scriptwriting and pre-production – sometimes before a producer is even involved. In such cases, the absence of early-stage financing means that this work may be treated as an investment by the authors themselves. The problem of unpaid labour has gained increasing recognition among policymakers in various member states. In **Belgium**, for example, the Flemish Organisation of Independent Audiovisual Producers (VOFTP) considers such unpaid creative development time as a major structural issue, as production budgets rarely cover these costs adequately, and the VOFTP calls for a broader recognition of such early-stage contributions for all contributors, including producers. While the Flemish Audiovisual Fund (VAF) offers limited support for screenplay development, only a small number of projects receive funding each year. In **Greece**, specific legislation[116] defines rehearsal work for actors, dancers, musicians and technicians as dependent employment. Contracts must be signed before rehearsals, specifying the location, minimum number of rehearsals and agreed remuneration.[117]

4.1.2.2. Bogus self-employment

Bogus self-employment represents another critical concern. While legitimate self-employment can be suitable for CCS professionals who require autonomy and flexibility, many workers are misclassified as self-employed in order to minimise labour costs and bypass employment regulations. Bogus self-employment occurs when workers are officially self-employed but, in practice, function as dependent employees. This misclassification

[113] ELA, *Learning resource paper from thematic review workshop*, Undeclared work un the cultural and creative sectors, 14-15 May 2024. See also, Williams, C., Llobera, M., Horodnic, A.V., *Working paper on tackling undeclared work in the collaborative economy and bogus self-employment*, European Platform tackling undeclared work, March 2020.

[114] However, authors and creatives (e.g. producers and broadcasters) earn income from the economic exploitation of their work through copyright and neighbouring rights, either through direct exploitation and distribution of revenues, or collected via the collective management organisation (CMO) of which they are a member.

[115] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, op. cit., p. 37.

[116] EU, *Law 5039/ 2023*, Article 111, Chapter B.

[117] Ibid. p. 40.

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enables employers to avoid tax and social security obligations while depriving workers of fundamental employment rights and protections.

Project-based management, which is the dominant organisational model in the CCS, plays a major role in fostering bogus self-employment. Most CCS organisations depend on continuous public and private funding while expecting professionals to remain available in order to secure these funds. To cut expenses, these organisations tend to shift part of the financial burden onto CCS professionals by misclassifying them as self-employed. Digital platforms and the broader trend towards labour platformisation further facilitate these non-standard forms of employment. Research shows that the prevalence of bogus self-employment in the CCS ranges from 1.6% to 10.8% across EU member states, significantly higher than in other economic sectors.[118]

Further complicating the landscape is the lack of a unified definition of CCS professionals. While some countries, like **Portugal**, include technical and support roles in professional artist status, others, such as **Belgium**, do not. As a result, many support workers are wrongly classified as self-employed despite functioning as regular employees – another form of bogus self-employment driven by the sector's reliance on unstable funding.

A related concern is the growing use of copyright-based contracts to replace standard employment contracts. In countries like **France** and **Belgium**, these contracts are often used to transfer the economic rights of authors. Typically, an author's contract comprises two parts: one related to the fee or remuneration for work performed on a project (including employment-related elements), and another dealing with the transfer of exclusive rights—such as copyrights—against payment, royalties, or other forms of compensation. While copyright contracts can offer advantages, such as lower tax and social insurance contributions, they are sometimes used to bypass legal protections and obligations inherent in standard employment contracts, thereby weakening worker's social and labour protection.

Although comprehensive data is limited, workers like performers, journalists and technical crew members are particularly exposed to bogus self-employment. In theory, misclassification can trigger legal scrutiny and correction, but enforcement varies significantly between member states and regulatory oversight remains weak.

4.2. Social protection and tax-related issues

4.2.1. Unequal access and social protection coverage

Access to social protection remains a major challenge for workers in the CCS, owing largely to the unique characteristics of their employment patterns and income structures. Although

[118] Hauben, H, et al. (EFTHEIA BV) in collaboration with Giacumacatos, E. (ICF), *Employment characteristics and undeclared work in the cultural and creative sectors*, op.cit, p. 35.

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international standards such as the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)[119] establish comprehensive social protection rights – including coverage for unemployment, sickness, maternity and old age – many CCS professionals are effectively excluded, either in law or in practice.

A key barrier lies in the incompatibility of traditional contributory social insurance schemes with the realities of artistic and creative work. These systems typically link eligibility to stable, full-time employment and regular earnings, making it difficult for self-employed artists, freelancers and those engaged on short-term or project-based contracts to qualify for benefits. Many in the CCS receive irregular or non-standard forms of remuneration such as royalties, neighbouring rights or lump-sum payments, which complicate the assessment of contributions and entitlements. Others face obstacles due to hidden working time during the research or development phases of creative work or due to the multi-occupational nature of their professions, ranging from artistic to technical or digital functions – each governed by different employment classifications.

In addition, CCS workers often face a heightened risk of occupational injury and illness but may lack adequate protection due to fragmented or partial coverage. The retirement age, especially in physically demanding disciplines like dance, often fails to reflect the specific demands of the profession. Uneven representation in trade unions and limited collective bargaining power among self-employed artists further hampers their ability to advocate for better protections.

The COVID-19 pandemic exposed and exacerbated these structural weaknesses. Emergency measures in several countries across Europe attempted to bridge gaps in access to unemployment support or health coverage but they were often temporary and unevenly implemented. Young artists and women, in particular, experienced disproportionate vulnerabilities due to lower income stability and greater caregiving responsibilities.

At EU level, the 2018 Council Recommendation on access to social protection for workers and the self-employed called on member states to extend coverage to all forms of employment. However, the 2023 implementation report[120] shows a mixed and uneven picture across the EU. While some member states have undertaken or planned important reforms to improve participation in social protection schemes – particularly for self-employed individuals and those in non-standard forms of work – most member states are not aiming to close all existing gaps in access to social protection. The report also highlights that, since 2019, relatively few measures have addressed the issue of effective access: even when people are formally included in social protection schemes, existing rules on contributions and entitlements may prevent them from actually receiving benefits. Gaps in income support between those previously in standard employment and others remain significant in many countries.

[119] ILO, *Social Security (Minimum Standards) Convention*, 1952 (No. 102).
[120] EU, *COM/2023/43 final*, Report from the Commission to the Council on the implementation of the Council Recommendation on access to social protection for workers and the self-employed, 2023.

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4.2.2. Artists and CCS professionals' tax-related issues

Artists and CCS professionals face several unique tax challenges and considerations that differ from those encountered by other professions. One notable issue is the frequent change of employment status within a single fiscal year, as artists may shift between being employed, unemployed, or self-employed. This variability can complicate tax reporting and compliance. Unlike many other professions, artists and CCS professionals generally do not benefit from tax deduction allowances for professional expenses, which can increase their taxable income and reduce overall tax efficiency. Income fluctuations are another significant concern for workers in the CCS, given the often irregular and project-based nature of their earnings. To address this, tax regulations in some jurisdictions allow artists and CCS professionals to spread their income from certain work over a specified period, typically ranging from two to four years, helping to smooth out income volatility and manage tax liabilities more effectively.

In addition, the treatment of royalties and copyright compensation as taxable "income" is a crucial aspect for artists and creative professionals, affecting how they declare and pay taxes on earnings derived from their IP rights.

For self-employed creative artists across Europe, varying VAT rates further impact their financial planning and tax obligations, requiring careful attention to the specific rates and rules applicable in each country.

4.3. Mobility and cross-border-work related issues

As previously mentioned, mobility is a fundamental aspect of artistic and creative work, directly contributing to career development and creativity.[121] In the audiovisual subsector, 53% of artists and CCS professionals said they worked cross-border in 2024.[122] However, despite its importance, artists and CCS professionals frequently face barriers related to administrative procedures, including funding applications, international taxation, travel arrangements and access to social services, which hinder their ability to fully benefit from mobility opportunities.

4.3.1. Legal basis for worker mobility in the EU

The legal basis for mobility within the EU is Article 45 TFEU, which guarantees the free movement of workers. This right is further supported by EU regulations and directives such

[121] EU, *COM/2023/43 final*, Status and working conditions for artists, cultural and creative professionals, report from the Commission to the Council of the EU, 2023.
[122] Ibid., Chapter 2.

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as Regulation (EU) No. 492/2011[123] and Directive 2014/54/EU[124], which ensure equal treatment and facilitate the exercise of mobility rights across member states. In addition, social security coordination mechanisms within the EU are designed to support mobility by protecting citizens' social security rights when moving between countries. These mechanisms include provisions for exporting benefits, ensuring insurance coverage in a single country at a time, aggregating insurance records and coordinating access to social security benefits across borders.

4.3.2. Challenges faced by artists and CCS professionals in terms of cross-border mobility

4.3.2.1. Social security coverage and portability

Mobile artists and CCS professionals encounter significant challenges, particularly regarding social security coverage and taxation. The administrative requirements under the Posting of Workers Directive[125] often do not fit the touring patterns typical of CCS workers, creating complex procedures and varying national requirements. The absence of a uniform definition of "artist" further complicates access to social security and benefits, while the limited availability of clear information adds to the difficulties.

4.3.2.2. Taxation in cross-border performances

The absence of a common definition for artists and the diverse legal status of CCS professionals across EU countries combined with their high mobility creates significant challenges in the area of taxation, particularly for performing artists.[126] While the EU has limited competences in the field of taxation – since direct taxation policy remains a matter for individual member states -, Article 115 TFEU allows for the adoption of directives to approximate national laws where discrepancies affect the functioning of the internal market. One example is the Council Directive on administrative cross-border cooperation in the field of taxation[127], which establishes procedures for the exchange of tax information

[123] EU, *Regulation (EU) No. 492/2011* of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union Text with EEA relevance.
[124] EU, *Directive 2014/54/EU* of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers Text with EEA relevance;
[125] EU, *Directive 96/71/EC* concerning posting of workers in the framework of the provision of services (Posting of Workers Directive) and its *amending Directive (EU) 2018/957* concerning the posting of workers in the framework of the provision of services.
[126] Molenaer, D., *The ultimate Cookbook for cultural managers, Artist taxation in an international context*, Pearle and the European Festival Association, 2024.
[127] EU, *Council Directive 2011/16/EU* of 15 February 2011 on administrative cooperation in the field of taxation (consolidated version of 1 January 2024).

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between national authorities. In addition, rulings of the Court of Justice of the EU (CJEU) serve as an important source of legal interpretation in this area.

At the international level, the OECD Model Tax Convention on Income and on Capital[128] is the primary instrument used to address double taxation and prevent tax evasion. OECD member countries are recommended to conclude bilateral tax agreements based on this model. Article 17 of the Convention, which governs the taxation of entertainers and sportspersons, is particularly relevant for artists performing across borders[129] as it allows the country where a performance takes place to tax the income earned even if the artist is not a resident there. This often results in double taxation when the performer's country of residence also taxes the income, potentially reducing artists' revenue by 10% to 30%.[130]

Some countries mitigate this burden through unilateral measures – for instance, **Denmark**, **Ireland**[131] and the **Netherlands** exempt non-resident performers from taxation, while countries like the **UK** apply minimum income thresholds to avoid imposing tax on lower-earning artists.[132] However, inconsistent criteria for determining tax residence status across member states remain a barrier to performing artists' mobility.[133]

Additional concerns have been raised regarding the application of the abovementioned OECD Convention, particularly the non-deductibility of expenses, as source countries typically tax gross income without allowing deductions for expenses (e.g., travel, accommodation and rehearsal costs). This inflates taxable income and creates inequities compared to other professionals who can deduct business expenses.

Moreover, the Convention imposes significant administrative and compliance burdens on performers, who are frequently required to file tax returns in a number of jurisdictions, often necessitating costly specialised advice. While in cases of intermittent work, the actual tax burden may ultimately be low, the procedure to avoid double taxation are rarely automated. Instead of an exemption at source, artists must proactively initiate often cumbersome refund claims for tax already withheld. As a result, mid-tier and emerging artists, in particular, may lack the resources to navigate these complex systems, resulting in unclaimed refunds or overpayment of taxes. Even with full knowledge of the

[128] OECD, *Model Tax Convention on Income and on Capital* (Condensed Version 2017).
[129] Article 17 of the OECD Model Tax Convention does not provide a formal definition of the term "entertainer", but paragraph 1 offers illustrative examples, such as a stage performer or film actor, who are clearly covered by the provision. Conversely, the term does not extend to support or administrative personnel, such as cameramen, producers, film directors or technical crew. Between these clear cases lies a grey area, where the individual's overall professional activities must be assessed to determine whether they fall within the scope of Article 17.
[130] Kammerhofer-Schlegel, C., et al., *EU framework for the social and professional situation of artists and workers in the cultural and creative sectors*, op. cit. p. 26.
[131] Citizens Information, *Artists' exemption from income tax*, Ireland.
[132] EU, *The status and working conditions of artists and cultural and creative professionals*, European Commission, Directorate-General for Education, Youth, Sport and Culture, Report of the OMC (Open Method of Coordination) group of EU Member States' experts, Publications Office of the European Union, 2023.
[133] Licensing income (e.g., royalties from copyrighted work) may fall under Article 12 (Royalties) rather than Article 17.

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rules, many conclude that the time and cost required to recover overpaid amounts outweigh the potential benefit.

Article 17 is also seen as a source of inequitable treatment, as even short-term engagements (e.g., a single performance) can trigger full tax liability in the source country – unlike other sectors, where income thresholds often apply. Furthermore, withholding taxes apply regardless of profitability, which disproportionately affects emerging artists with lower or variable income.[134]

Finally, the usual critics argue that these provisions have an impact on international cultural exchange. The complexity and financial burden discourage cross-border performances and tours, especially for smaller or independent artists, thereby limiting opportunities for cultural collaboration and market access.

The OECD and cultural bodies have been discussing better guidance for treating diverse creative workers fairly, especially with the growth of digital distribution, online performances and cross-border residencies.

At EU level, the European Parliament has acknowledged the challenges posed by cross-border taxation, particularly for individuals such as performing artists. In response, it has called for a directive to simplify and harmonise tax residence rules for individuals, aiming to enhance coherence across national systems and mitigate the risks of both double taxation and non-taxation – issues also underscored in the European Commission's action plan for fair and simple taxation.[135] Despite this recognition, most tax-related matters – including those stemming from Article 17 of the OECD Model Tax Convention – remain governed by national legislation and bilateral tax treaties, with limited EU-level harmonisation. While technical improvements have been made – such as the introduction of the VAT One-Stop-Shop in 2021,[136] which streamlined certain administrative processes for artists working across borders – core problems persist, such as double taxation and withholding taxes. There is an ongoing dialogue and there are calls from stakeholders for reforms[137] – such as income averaging, clearer tax exemptions or de minimis thresholds – but so far these have not resulted in binding changes to EU law that directly address the double taxation of artists and performers.

4.3.2.3. Recognition of qualifications

Regarding the recognition of qualifications, Directive 2005/36/EC[138] does not cover most CCS professions because they are generally unregulated, creating additional challenges for artists working across borders. For example, a touring theatre company may struggle with

[134] Stanley, B., *Tax treaties and the flawed approach to the taxation of entertainers*, the Global Advisory and Accounting Network (HLB).
[135] EU, *COM/2020/312 final*, Communication from the Commission to the European Parliament and the Council An action plan for fair and simple taxation supporting the recovery strategy,.
[136] EU, *VAT One Stop Shop, new future-proof VAT rules*, the European Commission, Directorate-General for Taxation and Customs Union.
[137] Culture action Europe, *EU Tax Reform for Touring Artists*, 6 May 2025.
[138] EU, *Directive 2005/36/EC* of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

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varying social security and tax regulations in each country, leading to delays and increased costs, illustrating the urgent need for tailored solutions to facilitate mobility in the CCS.

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5. Examples of national approaches

The diversity of national frameworks for defining, recognising, and supporting artists and CCS professionals is a defining feature of the European landscape. While the lack of a harmonised EU-wide approach presents challenges, it also allows for a rich variety of models tailored to specific cultural, legal, and social contexts. This section presents a comparative overview of selected national approaches, highlighting how different countries address the status of artists, eligibility criteria and the scope of protections and benefits. By examining these examples, it illustrates both the complexity and the innovation found across Europe, providing insights into how national traditions, policy priorities and practical considerations shape the recognition and support of artists and CCS professionals.

5.1. Legal and employment status for artists and CCS professionals

Countries have adopted various legal definitions and frameworks to formally recognise artists and CCS professionals and provide them with tailored employment protections.

In **Germany**, through the Artists' Social Insurance Fund (Künstlersozialkasse or KSK),[139] self-employed artists and publicists are granted a "quasi-employed" status, allowing them access to pension, health and care insurance. The KSK defines an artist as "anyone who creates, performs or teaches music, the performing arts or the visual arts", while a publicist is "anyone who works as a writer, journalist or in a similar capacity or who teaches in that field". To benefit from this coverage, artists and publicists are required to make mandatory social security contributions. The artists' insurance system is financed by three main sources: insured persons (50%), distributors (30%, including entities like publishers, press agencies, theatres, radio and television stations, museums and galleries), and the general public (20%). Self-employed artists and publicists must meet certain income and independence criteria.[140]

In **Belgium**, the recently reformed social protection system for artists provides for innovative arrangements regarding recognition as a professional art worker and access to specific social benefits, among other things.[141] In particular, a newly established "Working

[139] *Bundesamt für Justiz* (Federal Office of Justice), *Gesetz über die Sozialversicherung der selbständigen Künstler und Publizisten* (Law on Social Security for Self-Employed Artists and Publicists), (Künstlersozialversicherungsgesetz - KSVG), 27 July 1981, last amended on 23 October 2024.
[140] World Trade Organization (WTO), *World Trade Report 2023*, January 2024, p. 35.
[141] *Service Public Fédéral Belge* (Belgian Federal Public Service), *Arrêté royal relatif au fonctionnement de la Commission du travail des arts, aux critères et à la procédure de reconnaissance des fédérations des arts et à l'amélioration de la protection sociale des travailleurs des arts* (Royal Decree on the functioning of the Arts Labour Commission, the criteria and procedure for recognising arts federations and improving social protection for arts workers), 13 March 2023.

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in the Arts Commission"[142] issues three types of certificate (starter, standard, plus) that formally recognise individuals as professional arts workers. These certificates determine access to social security and other benefits, extending recognition beyond artists to include technical and support roles directly involved in the artistic process.[143] The Commission also acts as a contact point for all socioeconomic aspects of working in the arts within the federal administration, providing information to users and organisations, maintaining a register of activities, advising on legislation, etc.

In **Slovenia**, recently adopted legislation[144] expands the definition of self-employed cultural workers to include diverse professional activities (e.g., teaching, mentoring, touring). A modular assessment system evaluates eligibility based on artistic quality and contribution. Developed in consultation with the sector, the changes aim to align regulation with the real professional practice of CCS professionals and improve their access to social security.[145]

In **Cyprus**, a new draft law introduces an artists' register based on flexible formal and informal eligibility criteria (e.g., degrees, awards, public recognition or association membership). This formal recognition acknowledges the diverse realities of artistic careers and enables access to new support measures.[146]

In **Spain**, recent reforms introduced under the "Statute of the Artist"[147] – implemented through a series of legislative reforms in 2022 and 2023 – have aimed to modernise tax, labour and social security regulations for artists. One of the key features of this legal reform is the creation of the artistic employment contract, which acknowledges the intermittent and project-based nature of artistic activities. This contract allows for both indefinite and fixed-term engagements, accommodating various forms of artistic expression and production schedules. In addition, the definition of public performance has been broadened to include not only stage performances but also technical and auxiliary activities, reflecting the evolving landscape of cultural work.

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[142] Working in the Arts Commission, *Commission du travail et des arts (Labour and arts committee)*.

[143] EU-Creativesunite, *This is how we work*, op. cit. See details in the *World Trade Report 2023*, op. cit. p. 34.

[144] Republic of Slovenia, *Vlada s spremembami na področju samozaposlenih proti prekarnim oblikam dela* (Government introduces changes in the area of self-employment to combat precarious forms of work), Ministry of Culture, 1 January 2025.

[145] Maroutsis, I., *'Every job counts'. Slovenia adopts a new philosophy on the criteria for the status of the self-employed in culture*, EU-Creativesunite, 23 January 2025.

[146] Maroutsis, I., *"We must intervene with determination and help artists with their problems"*, EU-Creativesunite, 30 January 2025.

[147] Government of Spain, *Real Decreto-ley 5/2022, de 22 de marzo, por el que se adapta el régimen de la relación laboral de carácter especial de las personas dedicadas a las actividades artísticas, así como a las actividades técnicas y auxiliares necesarias para su desarrollo, y se mejoran las condiciones laborales del sector* (Royal Decree-Law 5/2022, of 22 March, adapting the special employment regime for persons engaged in artistic activities, as well as the technical and auxiliary activities necessary for their performance, and improving working conditions in the sector), State Agency Official State Gazette, 23 March 2022. This law has been implemented through various legal reforms, including *Royal Decree-Law 1/2023* and *Royal Decree 31/2023*. The statute introduces measures tailored to the unique nature of artistic work.

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5.2. Access to social protection and insurance schemes

A number of countries have developed mechanisms to ensure that artists can access unemployment insurance, healthcare, pensions and other social benefits despite irregular work patterns.

For example, in **France**, a special regime for "intermittent" workers in the entertainment sector ("*régime des intermittents du spectacle*") offers unemployment insurance tailored to the irregular employment of professionals in the performing arts, film, television, music and animation industries – mainly artists and technicians.[148] "*Intermittents*" are employed on fixed-term contracts known as CDDU (*contrat à durée déterminée d'usage*), which can be repeated without limitation and do not require a waiting period between contracts. Unlike standard employees, they are paid either by the hour (in the case of technicians for example) or by performance (usually for artists), depending on the nature of their work. Workers qualify by completing 507 hours (or earning 43 performance fees, known as "*cachets*") annually and receive benefits during off-contract periods. "*Intermittents*" are part of the general social security system and entitled to health, maternity, disability and pension benefits.[149]

In **Germany**, the above-mentioned KSK system ensures artists access to social insurance with only partial contributions from their income, while the rest is covered by art users and the state. In the same way, in **Belgium**, the recognition certificates grant access to social security benefits, though eligibility for specific benefits like unemployment still depends on additional criteria.

In **Hungary**, the EKHO law[150] provides a simplified taxation and social contribution regime, allowing eligible CCS professionals – whether employed, self-employed or retired – to pay a flat 15% tax on income exceeding the minimum wage, which serves as the base for social security contributions. Access to sickness benefits is available through contributions to a private insurance policy, while self-employed individuals in the CCS may contribute to a private pension fund to supplement their state pension.[151]

In **Slovenia**, self-employed cultural workers as recognised under the new legislation are mandatorily covered under general pension, health and long-term care insurance schemes, with access to a voluntary pension supplement. In **Cyprus**, under a draft law currently under discussion, an artistic grant will reimburse 30% of the previous year's social security contributions for self-employed artists, based on declared income. This measure would also support artists with mixed income sources.

In **Spain**, the new Statute of the Artist significantly improves access to social protection for artists and cultural professionals by addressing the irregular nature of their work. It introduces a special unemployment allowance designed for intermittent artistic

[148] Tavares de Pinho, C., *Intermittent du spectacle : comment marche ce statut spécifique ?*, Legalstart, 12 April 2024.
[149] ILO (2021), op. cit. p. 46.
[150] *2005. évi CXX. törvény az egyszerűsített közteherviselési hozzájárulásról* (EKHO law (2005) - Act CXX of 2005 on the simplified contribution to public revenues. *The Hungarian Gazette*, National legislation database.
[151] EU-Creativesunite, *This is how we work*, op. cit.

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employment, allows pensioners to continue earning income from artistic activities without losing their benefits and reduces social security contributions for self-employed artists with low incomes. It also broadens the definition of artistic work to include technical and auxiliary roles and establishes a dedicated artistic employment contract that ensures access to health coverage, maternity and paternity leave and other social benefits. These measures aim to reduce precarity and align Spain's social protection framework with the realities of the CCS.

5.3. Special taxation and tailored mechanisms

In several countries tax exemptions, special rates and income-averaging mechanisms are used to stabilise artists' income and account for the irregularity of freelance artistic work. These include provisions allowing the deferral or smoothing of tax burdens over several years.

In **Hungary**, for example, the above-mentioned EKHO system introduces favourable tax treatment for CCS professionals, especially self-employed artists, through a flat-rate system. In **Ireland**, a tax exemption for income earned from the sale of artistic works has been in place since 1969 and relates to books, plays, musical compositions, paintings and sculptures.[152]

In **France**, tax law provides for an income-averaging mechanism designed to accommodate the irregular income patterns characteristic of creative professions. This system allows eligible taxpayers – particularly those in the CCS – to spread exceptional income over several years, thereby smoothing their tax liabilities and mitigating the financial impact of peaks in income.[153] Similarly, **Finland**'s income-averaging provision[154] allows individuals, including artists, to spread the taxation of irregular or exceptionally high income over several years.

While **Germany** does not have a formal income-averaging mechanism like France or Finland, it does enable specific deductions and allowances tailored to self-employed artists and publicists. Artists may deduct professional expenses directly related to their artistic activity from their taxable income. These expenses can include costs for materials (such as paints, canvases or musical instruments), studio or workspace rent, travel expenses for exhibitions or performances, professional literature, marketing and website costs, insurance premiums for professional activities and fees paid to agents or galleries. Artists who are registered for VAT can also claim input tax deductions (*Vorsteuerabzug*) on purchases and services used for their professional activity, meaning they can recover the VAT paid on these business-related expenses from the tax authorities. Furthermore, certain cultural and artistic activities may be exempt from VAT if a certificate is obtained from the relevant state

[152] Irish Tax and Customs - Revenue, *Artists' Exemption*, 5 April 2023.
[153] Légifrance, *Article 100 bis*, General Tax Code, in application since 27 October 1995.
[154] Finlex, *Tuloverolaki* (Income Tax Act), Section 128 (1535/1992).

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body.[155] This exemption applies to specific performances and services in the cultural sector, potentially reducing the overall tax burden for qualifying artists.[156]

In **Spain**, artists and cultural professionals benefit from several tax provisions that address the specific nature of their work. Freelance artists registered under the Special Regime for Self-Employed Workers (*Regimen Especial de Trabajadores Autonomos,* RETA) can deduct professional expenses from their income tax (IRPF), provided they are directly related to their artistic activity. These include expenses such as studio rental, materials, travel for professional purposes, training and professional association fees.[157] In addition, cultural goods and services often benefit from reduced VAT rates. 10% VAT applies to live cultural events like concerts, theatre and dance, while books, including digital formats, are subject to a 4% rate. Artists are also subject to special personal income tax withholding rates. While the standard rate is 15%, new artists can benefit from a reduced 7% rate during their first three years of work. Contracts involving artistic performances may also apply reduced withholding tax. Recent reforms introduced under the above-mentioned "Statute of the Artist" introduce reduced withholding tax rates for artists. Specifically, the minimum withholding rate for income derived from artistic activities has been lowered from 15% to 2% for certain categories, including the performing, audiovisual and musical arts. Furthermore, artists with annual incomes below EUR 15 000, where such income constitutes more than 75% of their total earnings, are eligible for a reduced withholding rate of 7% .

In addition, various models have emerged to support artists in managing the complex administrative, contractual, and financial dimensions of their professional activities and may be valuable in bridging the gap between freelance work and access to employment-related rights and protections. In **France**, for example, the "*portage salarial*" model (*umbrella employment model*)[158] offers a hybrid solution that allows freelance professionals to access social protection usually reserved for employees, without giving up their independence. Under this system, the *portage* (umbrella) company handles invoicing, taxation and social security contributions and pays the artist a monthly salary after deducting applicable charges. This arrangement grants the artist access to unemployment insurance, healthcare, pension rights and training entitlements, while still allowing them to find and negotiate their own work. The "*portage salarial*" is primarily designed for intellectual service professions and is strictly regulated. It is not open to all types of work or artistic activities, particularly those that fall outside consulting, training or project-based assignments. Many artistic roles, especially those involving performance or technical work in the live entertainment sector, may not be eligible under this system.

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[155] *Bundesamt für Justiz* (Federal Office of Justice), Umsatzsteuergesetz (UStG)§ 4 No. 20a *Steuerbefreiungen bei Lieferungen und sonstigen Leistungen* (Section 4 of the Value Added Tax Act, tax exemptions for supplies and other services).

[156] Touring Artists, *Artistic services*.

[157] *Texto Refundido de la Ley General de la Seguridad Social* (*Real Decreto Legislativo* 8/2015, de 30 *de octubre*), specifically in articles 305 ff. This legislation establishes the framework for the Special Social Security Regime for Self-Employed Workers (RETA), which includes artists who work as self-employed professionals.

[158] *Ministère du travail, de la santé, des solidarités et des familles* (Ministry of Labour, Health, Solidarity and Families *Le portage salarial* (Wage portage), 27 October 2023.

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Similarly, in **Belgium**, the "*tiers payant*" model (third-party payment model), refers to a system where an intermediary organisation acts between the artist and the client (the person or entity commissioning the artistic work). In this arrangement, the intermediary – often a cooperative or management company – becomes the formal employer of the artist for the duration of the project or performance. The client pays the intermediary, which then handles all administrative, contractual and social security obligations and pays the artist a salary after deducting social contributions and management fees.

5.4. Education and skills recognition

Educational reform and the formal recognition of qualifications play a key role in facilitating artistic mobility and international career development. In **Greece**, for example, the new Higher School of Performing Arts (ASPT) will offer academic degrees in theatre, dance and music. This reform aligns with the Bologna Process and aims to improve the recognition of Greek qualifications across the EU, facilitating labour mobility and postgraduate opportunities. It addresses past inequalities caused by the non-recognition of artistic education and qualifications.[159]

Another significant example is the ArtesnetEurope network, coordinated by the National Academy for Theatre and Film Arts (NATFA) in **Bulgaria** and the European League of Institutes of the Arts (ELIA) in the **Netherlands**.[160] This initiative works on the development and implementation of a European Qualifications Framework (EQF) for Higher Arts Education, which aims to facilitate the mutual academic and professional recognition of qualifications across Europe, acting as an "academic passport" to enable greater student and artist mobility. For example, **Denmark**'s Danish National School of Performing Arts (DASPA),[161] established in 2015, offers higher education and continuing education within performing arts, including acting, dance, musical theatre and production. Governed by the Danish Ministry of Culture, DASPA provides Bachelor's and Master's programmes aligned with the EQF.

At EU level, the **Erasmus+ programme**[162] and the **Culture Moves Europe** mobility scheme[163] are EU-wide initiatives that directly support the mobility of artists and cultural professionals. Erasmus+ has been instrumental in promoting quality and inclusive education, including the arts, by enabling cross-border exchanges and study opportunities. However, challenges remain due to the lack of automatic mutual recognition of artistic skills and qualifications, which can hamper mobility for professionals in the CCS.

[159] EU-Creativesunite, *Greece establishes first Higher School for Performing Arts in bid to regulate professional rights,* 2 November 2024.
[160] ArtesnetEurope, *Peer Power!! The Future of Higher Arts Education in Europe*, Amsterdam/Sofia, September 2010.
[161] DASPA, *About the Danish national school of performing arts (DASPA)*.
[162] EU-European Commission, *Start your Erasmus+ journey*.
[163] EU-European Commission, *Culture moves Europe - Supporting cultural mobility in Europe and beyond*.

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6. The role of social dialogue and collective negotiations

The digital transformation of the CCS has intensified longstanding challenges for artists and CCS professionals, particularly regarding their working conditions, economic security and bargaining power. In this context, social dialogue and collective negotiations, primarily facilitated by trade unions and professional associations, have become crucial mechanisms for addressing these challenges and improving the status of artists and CCS workers. This section explores how collective bargaining and social dialogue are evolving to adapt to the realities of labour in the CCS, based on insights from union activity and stakeholder engagement within the sector.[164]

6.1. The role of collective bargaining in the CCS

6.1.1. An evolving role for collective bargaining

According to ILO, "collective bargaining" is a voluntary process used to determine terms and conditions of work and regulate relations between employers, workers and their organisations, leading to the conclusion of a collective agreement. Collective bargaining has the advantage that it settles issues through dialogue and consensus rather than through conflict and confrontation.[165]

Through collective bargaining, trade unions and professional associations can establish framework agreements that set minimum standards on a wide range of issues that encompass working time and conditions, health and safety standards, remuneration, etc. These agreements provide a safety net for professionals who often lack individual leverage, especially in non-standard employment situations. They also simplify contracting by offering standardised terms based on mutually agreed principles, reducing the need for case-by-case negotiations. In the CCS, trade unions and professional associations have long played a central role in enhancing the bargaining power of artists and CCS professionals, many of whom work under precarious or atypical arrangements. The sector's fragmented nature, dominated by short-term contracts and freelance and platform-based work, makes individual negotiations difficult.

The collective negotiation process can be complex due to the diversity of roles within the sector, from actors and directors to technicians and set designers. In addition,

[164] TWIIID & Doenker, *Digitial working in the media, arts & entertainment sector: challenges and opportunities*, commissioned by FIA, EFJ, FIM, UNI Europa – UNI Global Union, 2023.
[165] ILO, *Q&A on business and collective bargaining*, 1 February 2012.

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the legal impact of and tradition for using collective agreements varies across countries, reflecting national legal traditions and the absence of harmonised EU-level regulation. Some agreements are legally binding and apply across entire sectors, while others function as non-binding reference models, guiding expectations and harmonising practices within the industry.[166]

In recent years, the shift in the CCS towards digitalisation and the increasing migration of work to the digital sphere have introduced new challenges for trade unions and professional associations in protecting the rights, working conditions and interests of atypical workers in the sector. Unions have increasingly recognised that the rise of non-standard forms of employment – such as freelance, project-based and platform work – poses a significant challenge to their traditional roles – political, social, economic and legal – unless they can effectively engage and represent these workers. While atypical workers often share the same vulnerabilities as traditional employees, they also face distinct challenges linked to the precarious and fragmented nature of their work.

A key insight from union roundtables held in 2023 at European level is that, despite structural shifts in the sector, the role of unions as collective bargaining agents remains crucial. In many cases, creative workers are economically dependent on a client or platform but lack the individual bargaining power needed to influence decisions that shape their working lives. This reality was highlighted in a 2023 study commissioned by the European group of the International Federation of Actors (FIA), the European Federation of Journalists (EFJ), the International Federation of Musicians (FIM) and UNI Europa – UNI Global Union (Media, Entertainment & Arts).[167] Based on this assessment, unions are developing collective agreements and tools that can adapt to the realities of digitalisation and new forms of work. In practice, new clauses increasingly address issues such as fair remuneration for online performances, digital rights management and algorithmic transparency in revenue distribution to ensure that collective bargaining continues to evolve as a tool to protect and empower workers in the digital age.

6.1.2. Representation of the self-employed

A large proportion of artists and CCS professionals are self-employed or work as freelancers, placing them outside the scope of traditional collective bargaining frameworks designed for formal employment. In response, unions in the sector have developed innovative approaches to represent these workers, including advocating for their right to engage in collective negotiations without breaching competition law and developing sector-specific agreements that cover freelancers and platform workers.[168]

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[166] Lacourt, A., Radel-Cormann, J., Valais S., *Fair remuneration for audiovisual authors and performers in licensing agreements*, IRIS Plus, European Audiovisual Observatory, Strasbourg, December 2023.
[167] TWIIID & Doenker, *Digitial working in the media, arts & entertainment sector: challenges and opportunities*, op. cit.
[168] Ibid., p. 31.

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These joint efforts, resulted, for example, in the adoption by the European Commission in 2022 of Guidelines on collective agreements by solo self-employed persons[169], which clarified that EU competition rules – specifically Article 101 TFEU – do not apply to collective agreements involving solo self-employed individuals, such as artists and CCS professionals – who face a significant imbalance in bargaining power. These guidelines resolve earlier legal uncertainty and confirm that collective bargaining aimed at improving working conditions and remuneration is permitted.[170]

6.1.3. Promoting fair rights management

Rights management is a critical issue in the digital era, where the value of creative work is often realised through complex licensing, and a mix of offline and online distribution models. These elements are either dealt with directly in contracts, often based on model provisions agreed with trade unions and/or professional organisations or by artists' collective management organisations (CMOs) for authors rights and performers rights. CMOs have a longstanding tradition of representing artists, regardless of their status of employed, self-employed, independent or freelancer and they collaborate closely at European and international level.

During the roundtables[171], unions acknowledged a growing need to engage more closely, especially when including rights-based provisions in collective labour agreements, recognising that collective solutions are essential in ensuring fair remuneration for the digital exploitation of creative work.

6.1.4. Education and tools

Trade unions, professional organisations and CMOs all invest in education and the development of practical tools to empower artists and CCS professionals. This includes training on digital business models, contract negotiation, copyright management and the use of new technologies. By equipping members with knowledge and resources, they help artists adapt to the rapidly changing digital landscape and make informed decisions about their careers.

[169] EU, *Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons*, EUR-Lex, 2022/C 374/02.
[170] Ibid., Chapter 3, Section 3.2 on EU legal and policy context.
[171] TWIIID & Doenker, op. cit., p. 32.

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6.1.5. Policy work at the supranational level

Unions, professional organisations and CMOs engage in policy advocacy at the European and international levels to influence regulations affecting artists and CCS professionals. They participate in social dialogue forums, contribute to consultations, and build alliances to push for policies that recognise the unique status of CCS workers and address the challenges posed by digitalisation. This policy work has led to the inclusion of artists' rights and working conditions in broader debates on platform work, copyright reform and the future of work in the digital economy.

6.1.6. Innovation and experimentation

The CCS are at the forefront of experimentation with new forms of social dialogue and collective action, driven by the evolving nature of digital work. Traditional unions, alongside new forms of worker organisations, are developing innovative approaches to collective representation tailored to the needs of digital workers, such as influencers, livestream performers and content creators.

These initiatives include pilot agreements addressing the specific realities of online work, such as fair remuneration for digital performances, rights management in streaming environments and transparency in algorithm-based revenue models. New models – such as digital unions and online communities – are also emerging as platforms for collective voice, enabling workers to organise around shared challenges in decentralised or platform-based environments.[172]

At EU level, social dialogue remains a key mechanism for shaping labour standards in response to digitalisation. Social partners are formally involved in legislative processes (Articles 153 and 154 TFEU) and can negotiate binding agreements under Article 155 TFEU, such as the 2020 European Social Partner Framework Agreement on Digitalisation. These frameworks aim to ensure that labour rights evolve alongside technological change and that workers in digitally driven sectors benefit from protections comparable to those in more traditional employment settings.

6.2. Examples of collective agreements

Collective agreements and conventions play a fundamental role in shaping the working conditions and professional status of artists and other CCS professionals across Europe. These agreements are typically the result of negotiations between professional bodies – such as trade unions and guilds representing directors, screenwriters, performers and other creative workers – and industry representatives, including producers, broadcasters and SVOD platforms. Through this process, a wide array of social and employment terms are

[172] UNI-Europa, *European social partner framework agreement on digitalisation*, 26 June 2020.

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established, providing a framework that governs not only remuneration and transparency but also the broader conditions of engagement for creative professionals.

At the heart of these collective conventions is the aim to ensure fair and predictable working relationships. For instance, in the **UK** the Producers Alliance for Cinema and Television (PACT) and Equity (the actors' union) have entered into a collective agreement effective since April 2021.[173] This sets out the minimum terms and conditions for engaging actors, stunt performers, singers and voice-over artists in UK films intended primarily for theatrical release. It mandates that all artists receive a written contract specifying the terms of their engagement, including guaranteed periods of employment and rights related to dubbing and substitutions. The agreement also regulates working hours, limiting the standard working day to ten hours (including a one-hour break), and stipulates minimum daily and weekly rest periods. Overtime is compensated at a rate of one-third of the daily salary per hour, subject to a maximum, and additional premiums apply to work done at night or on holidays.

The UK's approach extends to supporting artists through a separate PACT-Equity Supporting Artist[174] Agreement, last updated in 2021.[175] This agreement addresses the specific needs of supporting artists working on television, SVOD and feature film productions, particularly those shooting outside central London. It specifies entitlements such as meal breaks – a one-hour unpaid break within five and a half hours of starting work – and meal allowances if meals are not provided. Travel allowances are calculated based on distance and early call times attract additional compensation. The agreement also obliges producers to provide transport or accommodation if public transport is unavailable and to ensure compliance with health and safety regulations, including risk assessments and insurance. Access to shelter, changing facilities and refreshments is also mandated, reflecting a holistic approach to welfare.

In the television sector, the PACT-Equity TV Agreement[176] similarly guarantees fair minimum pay, working conditions and rights for artists (actors, dancers – when choreography is specific to the production -, and stunt performers/coordinators) in UK TV productions. It includes mechanisms for dispute resolution and provisions to promote equality and workplace safety. It also addresses pension and holiday entitlement, requiring producers to contribute to pension schemes where applicable and to provide paid holidays or payment in lieu.

Turning to continental Europe, **France**'s *Convention collective nationale de la production cinématographique* (National Collective Agreement for Film Production)[177], most recently updated in June 2024, provides a comprehensive legal and practical framework for employment in French cinema. This agreement applies to French and foreign companies

[173] Producers Alliance for Cinema and Television (PACT) and Equity, *PACT Equity Cinema Films Agreement 2021*.
[174] Delete later
[175] PACT and Equity, *Pact-Equity Supporting Artist Agreement* (2019, as amended 2021). A "supporting artist" is defined in Pact agreements as someone appearing on camera without individual characterisation or specified dialogue (except crowd noises).
[176] Production Guild of Great Britain (PGGB), *PACT Equity TV Agreement*, Rates 2024 - 2026 (Corrected).
[177] SPIAG-la cgt, *Convention Collective de la Production Cinématographique* (Collective Agreement for Film Production), 1 June 2024 version.

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producing feature films, short films and commercials in France and concerns all salaried staff – both technical and artistic – working under either fixed-term or permanent contracts, including the customary fixed-term contracts (*Contrat à durée déterminée* (*CDD d'usage*) or *Contrat de durée déterminée d'usage* (*CDDU*)) that are standard in the industry due to the temporary nature of film production. The agreement specifies the circumstances under which each contract type may be used and sets out rules for early termination, renewal and payment of outstanding dues. It also contains robust provisions on equality and non-discrimination, explicitly prohibiting discrimination based on gender, beliefs, origin or union activity and enforcing the principle of equal pay for equal work. The agreement further requires employers to support the employment of people with disabilities and older workers and to implement measures to prevent violence and harassment at work. For example, it mandates the establishment of a comprehensive framework to prevent and address sexual and sexist violence, harassment, discrimination and sexist remarks, including procedures for reporting and responding to complaints, as well as sanctions aligned with French labour and criminal law. The agreement also supports professional development, with particular attention to "intermittent" workers and commitments to employ and support senior workers.

Sweden provides another instructive example with its 2023–2025 Film, TV and Video Recording Agreement[178], which establishes a detailed and protective framework for employment relationships for artists and professionals, including actors, directors, choreographers, designers, technicians and others – to ensure clarity, predictability and compliance with Swedish labour law. A core principle of this agreement is that all engagements must be formalised through a written contract before work begins. This contract must specify the type of engagement (such as task-based, fixed-term or work experience), its duration and the nature of the role or production. The producer is responsible for clearly stating the type of production and the specific terms of the engagement in the contract. Importantly, the agreement stipulates that the terms of employment in the contract cannot reduce or undermine the minimum benefits or protections set out in the collective agreement itself. Employment under the agreement is typically linked to a specific task or for a defined period, reflecting the project-based nature of film and TV production. Temporary employment contracts and contracts for work experience are both recognised forms. The agreement also provides for transparency: the Swedish Union for Performing Arts and Film has the right to obtain from producers information about who has been hired and the periods of their employment. This ensures oversight and helps prevent abuses such as undeclared work or the excessive use of precarious contracts. The agreement is explicit about the termination of employment. Unless otherwise agreed, employment ends upon completion of the contract period or the assigned tasks. If a provision for termination is included in the employment contract, it is treated as a notice under the Swedish Employment Protection Act, ensuring that statutory notice periods and protections apply.

In addition, there are requirements for communication and transparency during the engagement. For example, participants must keep the producer informed of their current

[178] Scen & Film, *Film-, tv-, video- inspelningsavtal 2023–2025* (Film, television and video recording agreement 2023–2025).

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contact details throughout the contract term and must not undertake travel that could disrupt production without prior agreement. Producers are also required to specify, at the staff meeting prior to filming, the contacts for trade union and health and safety issues, ensuring that workers know where to turn for support or to raise concerns.

This contractual framework, supported by the collective agreement, not only clarifies the rights and obligations of both producers and creative professionals but also aligns with Sweden's broader commitment to social dialogue, worker protection and transparency in the cultural and creative sector.

In terms of working conditions, the agreement sets out detailed minimum standards for pay, working hours, overtime, leave and other employment conditions. Employment must be based on a written contract specifying the type and duration of engagement, and contracts may not reduce benefits below those set in the agreement. The agreement distinguishes between different categories of workers: for example, performers typically work between 08:30 and 17:30 in studios, with a maximum of eight hours per day excluding meal breaks, while technical staff may work up to forty hours per week on average, with a maximum of ten hours per day. Minimum daily and weekly rest periods are specified, and compensatory leave is required for deviations. The agreement also provides for flexibility in scheduling, requiring that schedules be set in consultation with staff and communicated in advance, with additional compensation for changes to confirmed schedules. Work on major holidays is to be avoided, and overtime or work during unsocial hours is compensated at specified rates. Senior staff may opt for higher base pay and increased holiday pay in lieu of overtime compensation. Employers are required to provide pension contributions and insurance, including health, occupational injury, life and severance coverage. The agreement also addresses travel, accommodation, and subsistence allowances for work away from the home base, with compensation for travel time outside regular working hours. Special provisions are included for certain roles, such as directors and designers, whose pay and duties are specified separately.

Across these examples, it is clear that collective agreements in the CCS sector address a broad range of issues, including the contractual framework, working time and rest, remuneration, rights and credits, equality and inclusion, welfare, pension and holiday entitlement and dispute resolution. They also increasingly tackle emerging topics such as the use of artificial intelligence and the need for transparency in employment relationships. By establishing clear rights and obligations for both employers and creative professionals, these agreements not only protect the interests of artists and other CCS workers but also contribute to the sustainability and professionalism of the sector as a whole.

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7. Concluding remarks

The status of artists and CCS professionals in Europe is characterised by a complex interplay of national traditions, legal frameworks and evolving policy priorities. There is a high level of diversity throughout Europe in the ways in which artists and CCS professionals are defined, recognised and considered. This reflects the richness of cultural practices across the continent, but it also leads to significant challenges in terms of legal clarity, working conditions, social protection and cross-border mobility.

A central theme emerging from the analysis is the absence of a harmonised definition of “artist” or “CCS professional” at both national and European levels. This lack of standardisation complicates data collection, policy design and the comparability of support measures. Artists and creative professionals often find themselves navigating legal and social protection systems that are primarily designed for stable, long-term employment, which rarely reflect the intermittent, project-based, and cross-border realities of creative work and the sectors artists and CCS professionals work in. As a result, many face administrative obstacles and gaps in social security coverage, particularly when moving between countries or working under non-standard arrangements.

Recent years have seen a renewed focus on the legal recognition and social rights of artists and CCS professionals. Several countries have updated their legal definitions to better reflect the diversity of roles within the sector. The COVID-19 pandemic was a turning point, exposing the vulnerabilities of artists and CCS professionals and prompting emergency measures in many countries. In some cases, these responses led to more lasting reforms, such as improved access to social insurance or targeted support for “deficit professions” in culture. At the same time, the rise of digital platforms and the collaborative economy has introduced new challenges and opportunities, blurring the boundaries between employment and self-employment and raising questions about the applicability of existing legal and social protection frameworks.

Cross-border mobility remains a defining feature of artistic work in Europe, but administrative complexity and a lack of coordination between national systems continue to create barriers. Efforts to improve the portability of social security rights, mutual recognition of professional status and the prevention of double taxation are ongoing, with varying degrees of success.

At European Union level, recent policy developments reflect a growing recognition of these challenges. The European Commission and the European Parliament have both taken steps to address the status and working conditions of artists and CCS professionals. Notably, the European Parliament’s 2021 resolution on the situation of artists and the recovery of the cultural and creative sectors calls for improved social protection, better data collection and the exchange of best practices among member states. In November 2023, the European Parliament called on member states to acknowledge the specific features of artists’ working conditions and encouraged countries without an "artist status" to develop

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one.[179] The European Commission's work on platform work and the collaborative economy, as well as the ongoing Open Method of Coordination in the field of culture, have provided important frameworks for dialogue and mutual learning. These initiatives aim to foster a more coherent and supportive environment for artists and creative professionals while respecting the diversity of national approaches. In addition, in March 2024, the Commission answered the European Parliament's 2023 resolution with 13 initiatives to improve artists working conditions, fair remuneration and cross-border cooperation.

The priorities of recent Council Presidencies reflect sustained momentum around improving the status of artists and professionals in the CCS. The Belgian Presidency of the Council of the EU (first half of 2024) placed emphasis on digital transformation and working conditions in the sector[180], while the Polish Presidency (first half of 2025) focused on young artists and the professional recognition of creators as central elements of its cultural agenda.

More initiatives are underway. The European Commission is preparing a "Culture Compass" to guide future policymaking on the status of artists, following a call for evidence launched in May 2025.[181] That same month, EU Culture Ministers adopted Council Conclusions aimed at supporting young artists at the beginning of their careers, as well as a Declaration on the Status of the Artist, reaffirming a shared political commitment to addressing the challenges faced by CCS professionals across Europe.[182] These texts draw attention to persistent issues such as precarious and intermittent employment, unstable income, limited access to social protection and insufficient knowledge of legal frameworks – including copyright and related rights. They also highlight the need for better data, clearer definitions, and stronger coordination across member states.

Together, these developments signal a shift towards more structured cooperation, increased knowledge-sharing and targeted policy support for artists and CCS professionals at both national and EU levels. Policymakers are beginning to respond in a more concrete way to the changing realities of creative work in Europe.

In summary, the professional and social status of artists and CCS professionals is gaining long-overdue recognition. Through a combination of national innovations, coordinated European efforts and recent high-level commitments, a more inclusive and responsive policy environment is taking shape. As the sector continues to evolve, ensuring fair working conditions, effective social protection and legal clarity will be essential to sustaining the vitality, diversity, and resilience of Europe's cultural and creative landscape.

[179] EU, *2023/2051(INL)*, European Parliament resolution of 21 November 2023 with recommendations to the Commission on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors.
[180] Belgium-EU, *Programme of the Belgian Presidency of the Council of the European Union, January-June 2024*.
[181] EU-European Commission, *Culture Compass – Call for evidence*, 15 April 2025 - 30 May 2025.
[182] EU-Council, *Council conclusions* on supporting young artists and cultural and creative professionals in starting their careers, Brussels, 28 April 2025.

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Annex 1 – Definitions and status of artists and cultural professionals across the EU

Country	Definition of artist	Legal basis	Status of artist
Austria (AT)	**Artist**: "anyone who, in the course of performing his/her artistic activity, creates works of art in the fields of visual arts, performing arts, music, literature, cinematics or their contemporary forms"	Law on Social Security for Artists (2001) Artists' Social Insurance Structure Act (2011)	Status assessed by an Arts commission, based on artistic work and qualifications + be insured as self-employed + minimum earnings
Belgium (BE)	**Art worker**: a person who carries out an activity in the field of the arts, whether artistic, artistic-technical or -support activity. The Decree also defines **artistic activity** as "the activity that provides an artistic contribution necessary for the creation or execution of an artistic work in the fields of the arts […]", including the audiovisual arts and performance. A distinction is made between "main" and "peripheral" activities in professional artistic practice.	Royal Decree relating to the operation of the Working in the Arts Commission and improving the social protection of arts workers (2022) Act establishing the Art Commission and improving the social protection of art workers (2022)	Status assessed by the Working in the Arts Commission + Certificate granted based on professional practice in the arts (time spent and revenues). In its evaluation, the Commission takes into consideration, among other things, the fees received over the past 5 years, and the investment of time, including the time spent on research and fundraising.
Bulgaria (BG)	**Professional artists and other specialists in the field of culture**	Overarching regulatory framework, including the Labour Code, Ordinance on social security	Ministry of culture is working on an Ordinance on conducting a public electronic register of

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Country	Definition of artist	Legal basis	Status of artist
		for liberal professions, Copyright Act (1993), and the Law on taxes on individuals (2007)	professional artists and other specialists in the field of culture.
Croatia (HR)	**Independent artist:** any self-employed artist who engages in artistic creation and operation as their only and main occupation. In the audiovisual sector, the definition covers film directors, screenwriters, film actors, cinematographer, stage managers, cartoonists, set designers, music composers.	Law on the rights of independent artists and promotion of cultural and artistic creativity (1996, amended in 2000) Rules on the manner and conditions for recognising the right of independent artists to payment of obligatory pension and health insurance contributions from the budget funds of the Republic of Croatia, Croatia, 2015	Status assessed by an Expert Committee. Official Register of Artists is under development as part of the new legislation that is currently in development (2023).
Cyprus (CY)	Presently, all **cultural professionals**, whether freelance or self-employed, are governed by the general legislation for social security. Under the draft bill of January 2025, several criteria are set for the granting of the Status of Artist to creators and professionals of the creative industries working in Cyprus, and to establish an artistic grant for self-employed artists.	Overarching regulatory framework on labour law, social security and employment Draft law "Artists' Registry and Artist Grant Law of 2025" was adopted by the government on 2 January 2025.	Under the draft bill, self-employed artists meeting specific criteria will be eligible for social grants and schemes. The registry will be open to individuals engaged in artistic activities in Cyprus, whilst a separate registry will accommodate non-profit artists' associations, foundations, and unions.
Czechia (CZ)	**Artist**: defined as a person engaged in activities essential to the realisation of artistic work, including roles such as lighting technicians, sound engineers and costume designers. Additional conditions in the law limit support to artists who conduct their work mainly outside of regular employment and with limited incomes.	Act No. 203/2006 Coll. on certain types of cultural support and the amendment of related laws, Czech Republic, 2006	Currently, there are no lists or registers of artists, nor is there an entity responsible for maintaining records or assessing and approving artistic status. However, the amendment to Act No. 203/2006 Coll. on certain types of cultural support and amendments to related laws aims to establish a register of artists, which will be managed by the Ministry of Culture. Registration on the list will enable artists to apply for support from

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Country	Definition of artist	Legal basis	Status of artist
			the Ministry of Culture for specific projects or in the event of a state of emergency.
Denmark (DK)	No generic definition of **artist** exists in the legislation of Denmark. Workers and professional fields in various creative sectors are listed in and regulated by sector-specific laws, such as the Act on Visual Arts or the Act on Music (2013).	Overarching regulatory framework on labour law, social security and employment	Artists and cultural workers do not have a distinct legal status. There is currently no register of artists.
Estonia (EE)	A **creative person** is defined as "an author or performer [...] who works in artistic fields, including audiovisual arts". Additionally, the law introduces the concept of a **creative person engaged in a liberal profession**, referring those working in one of the aforementioned artistic fields who are neither a civil servant nor employed under a standard employment or other contractual arrangement.	Creative Persons and Artistic Associations Act (2004)	To qualify for social benefits, applicants must demonstrate their artistic activity or provide proof of membership in an artistic association. They must also show limited income. There is no unified registry of artists; however, artistic associations maintain lists of their members. The Ministry of Culture takes decisions when the applicant is not a member of any association.
Finland (FI)	**Professional artist**: A professional artist is defined as "one who creates, performs or interprets art as their primary or secondary occupation, and who has an education in a specific field of the arts or otherwise acquired professional expertise in the arts". The art forms covered by the grant system include architecture, art journalism, cinema, circus art, dance, design, illustration and comics, literature, media art, multidisciplinary art, music, photographic art, theatre and the visual arts.	Several key laws, in particular: Act on State Artist Grants (1969/734) Farmers' Pensions Act (1280/2006) Act on Supplementary Artist Pensions (2016)	The Arts Promotion Centre publishes annual statistical reports about grant applicants and recipients, but there is no official register of artists in Finland.

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Country	Definition of artist	Legal basis	Status of artist
France (FR)	**Intermittent worker in the entertainment sector**: includes technicians and workers in the fields of cinema, audiovisual, phonographic publishing, radio, television broadcasting, live performance, technical services for creation and events, entertainment, cultural spaces, and animation film production; and **performing artists**: e.g. actors, directors of films "for the material execution of their artistic concept", ... and "persons whose activity is recognised as a profession of performing arts by the collective agreements of the extended performing arts". **Artists authors**: referring to self-employed individuals whose income is based on artistic creation in the fields of literature, drama, music, choreography, audiovisual, cinema, graphic and plastic arts.. A **work of art** or **intellectual expression** is defined in the Intellectual Property Code (Article L112-2).	The key instruments regulating the status of artists in France are the specific measures set out in the: Labour Code (Art L. 7121-2; L.7121-3) Social security Code (L. 311-3, 15) Intermittence du spectacle (1936, with multiple amendments over the years). Additionally, there are specific measures related to independent author status: Malraux Law (1964), Law on Social Security of Authors (1975), and L. 382-1 à L. 382-14 of Social security Code. Labour Code (article L.7121-2) (last amended in 2016)	There is no official register of artists.
Germany (DE)	**Artist**: defined as "anyone who creates, performs, or teaches music, the performing arts, or the visual arts" **Publicist** is "anyone who works as a writer, journalist, or in a similar capacity, or who teaches in that field."	Artists' Social Insurance Act (KSVG, 1983)	There is no official register of artists. The (*Künstlersozialkasse* or KSK) is responsible for implementing the Artists' Social Insurance Act. It verifies whether registered artists meet the conditions, which include not being an employer and generating a minimum annual income from self-employed work as an artist or writer.
Greece (GR)	**Worker in the cultural and creative sector** refers to a person who has provided work under a contract or dependent employment relationship, demonstrated by at least one day of employment, according to the data	Law 5039/2023 "Measures to support the relatives of the victims and those affected by the railway accident in Tempi on February 28, 2023, pension provisions, regulations to	There are three registers for workers in the cultural and creative sectors. Two of them - one for non-profit cultural organisations and another established during the COVID-19

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Country	Definition of artist	Legal basis	Status of artist
	retrieved from the ERGANI II Information System (P.S. ERGANI II) in a specialty code that falls within the cultural and creative sectors. **Professional in the cultural and creative sector** refers to a natural person engaged in one of the Activity Code Numbers (KAD) within the cultural and creative sectors with an active KAD. In addition, the law provides definitions of **supporting activities of the cultural and creative sector** as activities that, while not directly related to the development, creation, production, dissemination, management, and preservation of goods and services that embody cultural and artistic activities, are necessary for the execution of such activities. **Worker in supporting activities of the cultural and creative sector** refers to a person who has provided work under a contract or dependent employment relationship. **Professional in supporting activities of the cultural and creative sector** refers to a person who is active in one of the Activity Code Numbers (KAD) for supporting activities in the cultural and creative sector with an active KAD.	enhance transportation safety, provisions to promote development, provisions to modernise tourism legislation and other urgent provisions" (2023)	pandemic for individuals and legal entities – are overseen by the Ministry of Culture. The third register, also created during the pandemic, is part of a larger register managed by the Ministry of Labour and Social Affairs. These registers primarily serve as tools for grant policies. There are plans to develop a digital platform that will host a new register for all cultural and creative sectors.
Hungary (HU)	Special regime for **employees and self-employed individuals who "participate creatively in the process of creating a work"** in a range of activities listed in the law ranging from telecommunication engineers to translators, including producers or production managers;	EKHO Law (2005) - Act CXX/2005	There is no official list of artists in Hungary who have been granted special status or benefits, except for the list of 70 Artists of the Nation, and the list of the MMA members.

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Country	Definition of artist	Legal basis	Status of artist
	videographers, technicians, set designers, assistant actors and make-up artists. Some benefits are also allocated for the **"Artists of the Nation"**, defined "a person with high artistic accomplishment and acclaim" in several fields, including "film art"; and for members of the Hungarian Academy of Arts (MMA), who are "artists with outstanding creative or intellectual accomplishments in the Hungarian artistic field".		
Ireland (IE)	**Professional artist:** To qualify for the Professional Artists on Jobseeker's Allowance scheme, artists must provide a certificate from a certifying organisation as evidence of their professional artistic status, e.g. Actors Equity/SIPTU, Writers Guild of Ireland, Screen Directors Guild of Ireland for actors, screenwriters, and film directors. They must have also earned a minimum income as a professional artist in the previous year.	Professional Artists on Jobseekers Allowance, Department of Social Protection, Ireland, 2020 Operational Guidelines: Jobseeker's Allowance, Department of Social Protection, Ireland, 2020	There is no official register of artists.
Italy (IT)	**Artists** and **art workers** are considered those who are registered with the National Social Security Institute (INPS) under "Artists, musicians, writers, and performing arts workers", as well as self-employed workers who have a VAT number categorised under "other activities of artistic creations" (typically visual artists).	Legislative Decree No. 708/1947 Decree of the Ministry of Labour and Social Security, dated 10 November 1997 Ministerial Decree of Labour and Social Security, dated 15 March 2005.	There is currently no unified state-level register of artists, but the government is preparing a legislative decree that will, *inter alia*, establish such a national register.
Latvia (LV)	**Creative person** refers to a natural person – either an author or performer – who is a member of a professional creative organisation. According to the law, this person creates or interprets artistic works in creative fields, including cinematography. Such "creative person	Law on the Status of Creative Persons and Professional Creative Organisations, adopted in 2017 and last amended in 2022	There is no official register of artists in Latvia, but the Ministry of Culture maintains a publicly accessible register of professional creative organisations, which play a key role in managing the status of creative persons.

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Country	Definition of artist	Legal basis	Status of artist
	contributes to the development of professional art and culture, as attested by the relevant professional creative organisation (as defined in the same law)". Professional creative organisations, officially recognised by the Ministry of Culture and under its supervision, are responsible for granting the status of a creative person.		The Ministry of Culture is responsible for granting and registering an association as a professional creative organisation.
Lithuania (LT)	**Artist** is a natural person who creates artworks and performs them in a distinctive way, and on this ground is granted the status of an artist. **Artistic creation** is the collection (entirety) of artworks created or uniquely performed by an individual or a collective. **An artwork** is the original result of artistic activity, in any form or mode of expression.	Law on the Status of Art Creators and their Organisations (1996) Law on Professional Performing Arts (2004) Government Resolution on the Social Security Programme for Artists (2011).	The Ministry of Culture of the Republic of Lithuania maintains a non-public register of artists accessible to SODRA (State Social Insurance Fund) and the State Tax Inspectorate. The register of beneficiaries is public.
Luxembourg (LU)	Two central categories in the law: An **independent professional artist** refers to an individual who, without any subordination, independently determines the conditions under which their artistic services are performed and assumes the associated economic and social risks. This may occur alongside a secondary non-artistic professional activity, provided the income from this secondary activity does not exceed twelve times the monthly minimum wage for skilled workers annually. An **intermittent performer** is defined as an artist or stage technician who primarily carries out their work either for a	Law of 19 December 2014 relating to (1) support measures for independent professional artists and intermittent performers or workers in the entertainment industry and (2) promotion of artistic creation (2014, last amended in 2023)	There is no official register of artists.

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Country	Definition of artist	Legal basis	Status of artist
	company or other show organiser, or within the context of cinematographic, audiovisual, musical, or performing arts production, providing services on a temporary basis under a fixed-term employment or service contract. The provisions of the law explicitly exclude individuals whose activities are focused on the creation of works intended exclusively for commercial or advertising purposes.		
Malta (MT)	An **artist** is defined as "any person who, as creator, performer, or contributor, creates artistic work, which work is created as a result of the artist's unique abilities, or contributes to the creation of such artistic work". **Ancillary cultural workers** are those workers whose contribution makes the artists' work possible and who are an integral part of the cultural and creative sector. The Charter specifies that it "addresses all cultural workers who either possess relevant academic qualifications, or produce or contribute to artistic work which generates, in whole or in part, their taxable income, or are registered as cultural workers with the relevant competent authority or body".	Arts Council Malta (2024), Charter of the Status of the Artist (2024)	There is currently no register for artists.
Netherland (NL)	An **artist** is defined for the purpose of tax law as a person working as a musician or performer under a short-term agreement.	Payroll Tax Act (1964)	The Netherlands does not maintain a specific registry for artists. Entrepreneurs in the cultural sector, including independent contractors, register with the National Chamber of Commerce under specific NACE codes for statistical purposes, including "artists" and "other creative professions".

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Country	Definition of artist	Legal basis	Status of artist
			However, these codes do not cover artists who are not currently working professionally or who are employed.
Poland (PL)	Two key terms are referred to in the law: A **creator** is defined as a person who produces works in fields such as interior and landscape architecture, urban planning, literature, visual arts, music, photography, audiovisual creations, choreography, artistic violin-making and folk art, which are protected by copyright. An **artist** is someone who engages in artistic activities for profit in areas such as acting, stage performance, theatre and stage directing, dance, circus arts, as well as conducting, vocal performance, instrumental performance, costume design, scenography and audiovisual production, including directors, screenwriters, cinematographers, sound engineers, editors, and stunt performers.	Act of 13 October 1998 on the social insurance system	There is no official register of artists.
Portugal (PT)	The statute of professionals in the field of culture applies to several categories of professionals in the performing arts, audiovisual sector, visual arts and literary creation who engage in the following; - **Authorship activities** refers to activities involving intellectual creation in the literary and artistic domain, expressed in any form, which are protected by authors rights. - **Artistic activities** are those connected to the interpretation and execution of works in the fields of the performing arts, visual arts, and audiovisual sector, as well	Decree-Law No. 105/2021 established the Statute of Professionals in the Field of Culture, effective from January 1, 2022. It was later modified by Decree-Law No. 64/2022. Annotated Statute of Cultural Professionals	The Cultural Professionals Registry (RPAC) is established under the supervision of the General Inspectorate for Cultural Activities (IGAC), to which the issuance of an electronic card for cultural professionals is associated. While it is a voluntary registry, it is a necessary condition for professionals in the cultural sector to benefit from the special social protection regime under the Statute of Professionals in the Field of Culture.

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Country	Definition of artist	Legal basis	Status of artist
	as other interpretations or executions of a similar nature, which take place in front of an audience or are intended for the recording, transmission, or making available for public dissemination, regardless of the medium or format used. These are often also protected by related rights. - **Technical-artistic activities** refers to those related to the methods of execution, materials, equipment, and production processes of artistic works intended for public enjoyment through various existing dissemination means. These activities are in principle not protected by copyright or related rights. - **Cultural mediation activities** are those related to the production, execution, and dissemination of the performing or audiovisual arts, including the enhancement and promotion of works and artists. The status of a **professional in the field of culture** applies to different types of workers, including employees, regardless of the type of employment contract, independent workers and members of statutory bodies of legal entities in the cultural sector.		
Romania (RO)	A **professional cultural worker** is defined as an author or performer engaged in a cultural activity or supporting an auxiliary cultural activity and registered in the tax system as such for at least three years. This designation excludes individuals practicing a regulated profession, civil servants and salaried employees. **Cultural activity** refers to the creation of literary or artistic works, or other protected objects, as well as the	Emergency ordinance no. 21/2023 regarding the Status of the professional cultural worker.	The Register of professional cultural workers is a public database managed by the Ministry of Culture. It contains identification details of individuals registered as professional cultural workers, including their unique registration number, registration date, and, if applicable, the date of termination or suspension of their status, along with the date when the

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Country	Definition of artist	Legal basis	Status of artist
	interpretation or execution of works that are, or can be, protected by copyright or related rights. Fields of cultural and auxiliary cultural activities include filmmaking, video and television production, audio recording, music editing, and encompass a large range of activities, from design and translation, to public relations and communication, consulting, performing arts, managing monuments, cultural management, festival production activities, etc.		suspension ends or the legal termination occurs. The purpose of the register is to regulate access to the rights of professional cultural workers.
Slovakia (SK)	Several key definitions are used in the law concerning artists. The legislation that established the Fund for the Support of Art in culture operates with two primary terms: A **professional artis**t, defined as a natural person who performs an artistic activity as a freelancer or in addition to employment, meets the professional prerequisites for the performance of an artistic activity and is registered in the register of professional artists. **Other professional in the field of culture** refers to a natural person who is not considered a professional artist but performs various roles, including creative, research, educational, artistic, craft, technical, or support professions, all of which are included in the list of occupations for other professionals in culture. They work within the fields of art, culture, or the creative industry and generate income through business activities or other forms of self-employment related to their profession. Furthermore, they are officially registered in the records of	Act No. 185/2015 Coll. on Copyright and Related Rights. Law No. 103/2014 Coll., the Act on Theatrical and Musical Activity. Law No. 284/2014 Coll. Act on the Fund for the Support of Art. Measure of the Ministry of Culture of the Slovak Republic dated November 19, 2020, No. MK-5900/2020-110/20162.	The Register of artists and other cultural professionals is a public database of workers in the cultural and creative sectors, regardless of their employment status or affiliation. It categorises individuals into two groups: “professional artist” and “other cultural professional”. The register was initiated during the COVID-19 pandemic in 2020, after it became apparent that there was no reliable dataset of individual workers in the sector. Its primary purpose was to facilitate the provision of targeted financial support, in times of crisis (such as a pandemic) or when an artist and/or cultural professional finds himself/herself in a complicated social or personal situation. The Slovak Arts Council administers the register and approves applications upon verification of the applicant’s cultural activities. To be eligible for registration, applicants must have engaged in at least 180

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Country	Definition of artist	Legal basis	Status of artist
	other professionals in culture (including the audiovisual arts among many other areas). Another legal instrument – the Law No. 103/2014 Coll., the Act on theatrical and musical activity, defines the "professional career of a theatre artist or musical artist". In the Copyright Act, an **artist** is defined through the creation of a work of art in specified fields of art, or through creative performance.		days of creative, research, educational, artistic-craft, craft, technical, or support work in one or more professions listed in the occupational list within the two years prior to the date of their application.
Slovenia (SL)	The Exercising of the Public Interest in Culture Act (2007-2024) defines **self-employed professionals in the cultural sector** as persons who independently perform cultural activities as a profession and are registered as such in a special register with the Ministry of Culture. According to this Act, **cultural activities** are all forms of creation, mediation and protection of cultural assets in the field of movable and immovable cultural heritage, verbal, performing, musical, visual, film, audiovisual, intermediate and other arts, in various fields, such as publishing and librarianship. The Decree on self-employed professionals in culture (2007-25) introduces the list of **Specialised professions in the cultural sector**, which includes more than 70 professions, including film directors, conductors, costume designer, and more. The Decree also introduces the list of four **"deficit" professions** in the field of culture (for the purpose of defining the eligibility criteria for social insurance	Decree on self-employed professionals in culture, Slovenia, 2010-2024 (2010) Exercising of the Public Interest in Culture Act, Slovenia, 2007-2024	The Ministry of Culture maintains a special register for self-employed professionals in the cultural sector, primarily to regulate access to state-paid social security contributions. Enrolment in the register is based on an applicant's submission, which must include proof of meeting the legal requirements. Competence in cultural activities is evaluated through the applicant's CV, bibliography, and a list of works demonstrating the scope and quality of their work over the past five years. The Minister responsible for culture makes the final decision on registration. Once registered, individuals may apply for social insurance contributions if they meet additional conditions.

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Country	Definition of artist	Legal basis	Status of artist
	contributions paid by the state), which include cinema operators and script supervisors, among others. The Regulation amending the Decree on the Self-employed in Culture, adopted in 2025, introduces **nine new professions**, such as assistant director, microphone operator, visual effects designer, transdisciplinary creator, visual performer (VJ), visual technical producer and continuity manager/scriptwriter. The Decree also established a list of three **"deficit professions"** in the cultural sector (for the purpose of defining the eligibility criteria for social insurance contributions paid by the State), including cinema operator, art critic and puppet designer.		
Spain (ES)	The law refers to **professionals engaged in artistic activities**. This includes drama, the performing arts, dubbing, choreography, music, dance, artistic direction, film, orchestra, audiovisual work, musical adaptation, production, circus, puppetry, magic, scriptwriting, and anyone whose activity is recognised as that of an artist, performer or executor under the collective agreements applicable to performing, audiovisual an musical arts, either as an employee or in a self-employed capacity, as well as those involved in technical or auxiliary roles essential to these activities. The definition is wide and also includes those individuals employed and/or who develop their activity in the performing, audiovisual or musical fields, as well as those	Royal Decree-Law 5/2022 of 22 March, adapts the special regime governing the employment status of individuals engaged in artistic activities, as well as the technical and auxiliary activities necessary for their undertaking, and improving working conditions in the sector. Royal Decree 31/2023 of 24 January, amends the Personal Income Tax Regulation, approved by Royal Decree 439/2007 of 30 March, to comply with the measures set out in the Artists' Statute regarding withholdings.	There is no register dedicated to artists in Spain. Self-employed artists register with the Special Regime for Self-Employed Workers, established for all self-employed professionals in the Trading Income Tax Regulation, approved by the Royal Decree 1175/1990, of 28 September. In this Special Regime, a self-employed worker is defined as someone who regularly, personally, and directly engages in a profitable economic activity without an employment contract.

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Country	Definition of artist	Legal basis	Status of artist
	involved in technical or auxiliary roles essential to those activities.		
Sweden (SE°	**Professional artist** is someone who fully or partially earns a living from their artistic work and consistently presents their art to an audience or within an artistic context. The Committee's mandate covers professional artists in the fields of visual arts, music, theatre, dance, film, circus, and literature.	Swedish Arts Grants Committee Swedish Authors' Fund – Grant Application Information	There is no national register of artists. Professional creative associations have their own criteria for membership. On a national level, the Swedish Arts Grants Committee is responsible for gathering statistics and disseminating knowledge about the economic and social conditions of artists. For this task, artists from the different associations need to be compiled.

Source: table elaborated by the author based on the data compiled by Creative Unite: This is how we work![183]

[183] This tool provides information on regulations in EU member states on working conditions and also compare them across the EU. The information in this tool is a supplement to the OMC-report on working conditions by Clarke, M. et al. (Panteia) and Ebert, L. et al. (Culture Action Europe), *Creative Pulse: A survey on the status and working conditions of artists and CCS professionals in Europe* European Commission: Directorate-General for Education, Youth, Sport and Culture, *The status and working conditions of artists and cultural and creative professionals*, Report of the OMC (Open Method of Coordination) group of EU Member States' experts, Publications Office of the European Union, op. cit.

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Annex 2 – Scope of culture and creative sectors in selected EU countries

Country	Scope of cultural and creative sectors
Austria (AT)	Architecture; Archives; Audiovisual and multimedia; Books and press; Cultural education; Cultural heritage; Fine arts; Libraries; Performing arts
Czechia (CZ)	Advertisement; Architecture; Art education; Audiovisual and interactive media; Cultural heritage; Culture management; Fine arts and crafts; Performing arts; Press
Denmark (DK)	Advertising; Amusement parks; Architecture; Archives; Computer games; Crafts; Design; Film; Gambling; Libraries; Literature; Museums; Music; Newspapers; Performing Arts; Photography; Sports; TV & Radio; Zoos
Estonia (EE)	Advertising; Architecture; Audiovisual; Book production; Cultural heritage; Design; Entertainment software; Music; Performing arts; Publishing; Visual arts
Finland (FI)	Artistic activities; Advertising; Architecture; Amusement parks; Cultural events libraries; Motion pictures; Museums; Musical instruments; Newspapers; Sound recordings; Radio & TV; Photography; Printing
France (FR)	Advertising; Architecture; Artistic crafts; Audiovisual and multimedia; Books and press; Cultural education; Heritage; Visual arts
Germany (DE)	Advertising; Amusement parks; Architecture; Art; Books; Broadcasting; Cultural heritage; Design; Film; Libraries; Music; Performing arts; Press; Software/Games; Zoos
Greece (GR)	See Eurostat definition
Italy (IT)	See Eurostat definition
Latvia (LV)	Advertising; Architecture; Cinematography; Cultural education; Design; Games; Heritage; Media; Music; Performing arts; Publishing; Radio; TV; Visual arts
Lithuania (LT)	See Eurostat definition

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Netherlands (NL)	Book industry; Communication; Creative arts; Creative design; Cultural heritage; Film; Live entertainment; Music; Performing arts; Press media; Radio & TV
Poland (PL)	Advertising; Architecture; Artistic education; Audiovisual and multimedia; Books and press; Cultural heritage; Libraries; Performing arts; Visual arts
Portugal (PT)	See Eurostat definition
Spain (ES)	Cinema; Cultural education; Design; Graphic arts; Libraries and archives; Museums; Music publishing; News agencies; Photography; Publishing; Radio; Video games
Sweden (SE)	Advertising; Architecture; Artistic creation; Audiovisual; Cultural heritage; Design; Fashion; Literature & press; Performing arts; Photography

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