



PEARLE

Live Performance Europe

2020

Activity Report

PEARLE* the voice of music, performing arts and live performance organisations

- > SECTOR FEDERATION**
- > EMPLOYERS ASSOCIATION**
- > INTERNATIONAL NETWORK**

2021

SHARING A PASSION FOR LIVE PERFOR- MANCE

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01 KEY AREAS IN 2022

Cultural policy

Climate action and environmental sustainability

Copyright affairs (in the digital environment)

Employment and social affairs

Funding and state aid

Online consumer rights

Stage technology

Statistics

Taxation & VAT

Third-country nationals

Touring and trade (Brexit)

Travelling with musical instruments

01 Cultural policy

A new four-year EU work plan for Culture was agreed upon by the Culture Council at the end of the year. It includes a wide range of topics that suit the interest of every country. Following the work undertaken by the OMC group on artist working conditions in 2022, a report is expected in 2023. Social partners of the live performance sector had an exchange with the OMC chairs at each social dialogue meeting.

The European social partners formulated in June 2022 a **joint opinion** on the EP call for a European artist status. They welcome the invitation of policy-makers to recognise the specific nature of artistic work and careers and call to address gaps in social protection. Social partners are ready to contribute to solutions that best meet the sector's needs. They also submitted an application for a social dialogue project on capacity building, awareness raising and information on the social partner initiatives in Europe.

Also on this topic, the EP committee culture, and specifically the Creators Friendship group, continued discussing ways to call for solutions in social protection through a 'status of the artist' and a European framework on working conditions and artist status, as mentioned in the EP resolution of 20 October 2021 on "the situation of artists and the cultural recovery in the EU".

02 Climate action and environmental sustainability

The Green Deal impacts in many ways the operations of a live performance organisation.

In 2022, Pearle* followed with great attention to the following topics: the energy performance of buildings directive, the revision of eco-design rules, the new strategy on textiles, the upcoming sustainable product initiative, and more.

The cultural sector shows a great willingness to commit to environmental and sustainability objectives, internally and towards its audiences.



03 Copyright affairs (in the digital environment)

Collecting Management societies

The issue of balancing the relationship with collecting management societies, online platforms and rightsholders is ongoing in the digital environment.

Live performance organisations are users and have no (neighbouring) rights compared to all other stakeholders in the cultural sector. Clearing the many rights that are part of a live performance is complex as such. It is regularly reported that there is a lack of transparency on tariffs and that the methods of calculation by collecting management societies and other rightsholders such as music publishers are arbitrary. This may lead to the conclusion that certain productions become financially impossible to execute. It also explains why live performance organisations are often reluctant to put content online.

Piracy of online live content



Pearle* is part of the [Live Content Coalition](#) calling for a legislative instrument to better protect online live content, and in this context increase the liability of online intermediaries. As the value of the live event ends with the show, the demand is made to immediately take down the pirated content and not only when the live event is over.

04 Employment and social affairs

Social dialogue

Further in relation to the European social partners' joint opinion on the EP call (see item 01), social partners underline their specific and unique role as regards matters which are at the heart of social dialogue, to be acknowledged by ministries of culture.

2022 had a specific focus, as the Commission consulted and exchanged with social partners on the review of social dialogue in the EU. The input would contribute to a package, including a chapeau Communication on strengthening social dialogue in the EU and a proposal for a Council Recommendation on the role of social dialogue at national level, published in January 2023.

Employment affairs

The following issues, of interest to Pearle* members, were on the table: new Directive on minimum wages, working time directive package (in process), implementation of the transparent and predictable working conditions directive, guidelines on collective bargaining for solo self-employed, proposal for pay transparency directive to address the gender pay gap, tripartite negotiations on social security coordination regulation.

Cross-border employment issues

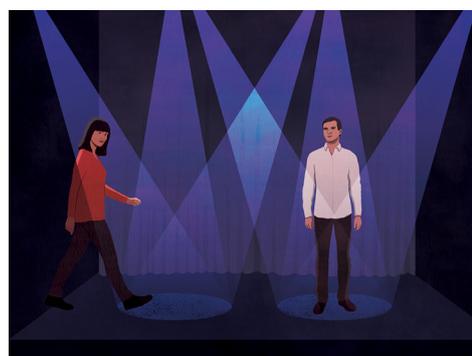
In relation to cross-border working, pilot initiatives such as the ESSpass on social security and the eDeclaration about the posting of workers are of interest, provided those digital tools can be deployed across Europe. The work undertaken by ELA, European Labour Authority, is also followed.

Skills

Ahead of the upcoming year on skills in 2023, a Pact for Skills on CCIs was set up to support through large-scale partnership initiatives on re- and upskilling, and developing new skills. Pearle* is actively involved as part of the social partner collaboration 'Creative Skills Europe' (www.creativeskillseurope.eu).

Gender equality

On March 8th, International Women's Day, social partners launched a dedicated [website](#), which includes a library of good practices on different elements of gender equality. Webinars organized during the Covid-period can also be viewed on the website.



05 Funding and state aid

Particularly in times of crisis, state aid measures have been of high importance to the live performance sector, be it in the context of the Covid-19 crisis or the energy crisis and war in Ukraine. State aid mechanisms continue to be necessary as they allow the sector in the Member States to get dedicated support and overcome financial bottlenecks.

In several Member States, live performance organisations started to benefit from the national recovery plans and received funding through dedicated programmes and schemes.

In the context of EU funding schemes, as part of the Creative Europe programme, newly created funding opportunities support cultural mobility, which has been highly welcomed by the sector.

06 Online consumer rights

Pearle* aims at finding solutions to make the sector thrive in the digital environment, whilst also exploring opportunities and new audiences.

In 2022, Pearle* focused on discussions on the Digital Services Act, which came into force in November 2022. New rules might help in the fight against illegal secondary ticketing.



On this topic, Pearle* closely collaborates with FEAT- the Face-value European Alliance for Ticketing. In March 2022, FEAT launched an [open letter](#), signed by 140 organisations calling for stricter rules on online marketplaces in the DSA.

07 Stage technology

Radio Spectrum

The protection of cultural frequencies needs to be safeguarded in light of the 2023 WRC World Radio Conference, which requires an EU common approach and support to the cultural and AV sectors. Further loss of radio spectrum would be detrimental to many live performance productions, and a high amount of events would need to be cancelled. Going backwards in the current time of large technological developments is not an option.

As part of the [Wider Spectrum Group WSG](#) and working together with [SOS Save our Spectrum](#), Pearle* is actively involved in raising its voice through joint papers, calls and contributions, and specifically addresses the concerns for live performance.



Stage lighting

Another technical topic is addressed in the EU eco-design regulation. Stage lighting plays an important role in the artistic creation of live production. Related to environmental policy (see item 02), the exemption under the eco-design regulation remains important to slowly phase out older technology while establishing networks with alternative LED lamps and accommodate artistic needs.

08 Statistics

The revision of the UN ISIC and Eurostat NACE leads to concerns in the live event sector, as the new approach seems to narrow the categories of economic activity, rather than to enhance those corresponding with the realities of today.

Together with other stakeholders, especially of the technical suppliers, Pearle* presented its views on the current difficulties with the classification of economic activities and how it could be improved.

Read Pearle's contributions to the different consultations [here](#)

09 Taxation & VAT

The option for member states to apply reduced VAT rates for streaming of live events in line with VAT rates for tickets on offline performances is not expected to be implemented into national legislation earlier than January 2025 which is the date foreseen in the directive. This will slow down the uptake of producing content for online purposes by live performance organisations.

At the same time, difficulties in relation to withholding tax levied on income performing abroad remain. Due to complexity, a large portion of companies simply take up the extra tax costs, even if tax credit is in theory possible.

10 Third-country nationals

How and if third-country nationals can travel and perform in Europe was almost a non-question during the pandemic. In 2022 it became possible again to invite artists from outside the Schengen area, with obstacles remaining from pre-Covid times.

The 2022 recast proposal of the single permit directive for third-country nationals considers specific technical aspects which could improve the application process and clarify features of the directive. Whilst a large portion of third-country nationals work for only short periods in the EU, employers in the live performance also recruit artists for longer productions, a season (9-10 months) or more. In such cases the single permit is relevant.

11 Touring and trade post-Brexit

With touring resuming in 2022, the extra burdens on administration and financial costs for UK touring groups became clear. Whereas several member states provide an exemption for artists to obtain a work permit for short stays, others don't, and some also require a visa for paid activity. This leads to time-consuming and costly processes.

In addition, transport and customs controls add layers of complexity to touring.

As part of the business group in the EU DAG domestic advisory group, Pearle* contributes by raising specific issues for the live performance sector. And UK members of Pearle* take part in the UK DAG group. This allows to raise issues on both sides.

12 Travelling with musical instruments

In 2022, stakeholders from the music sector focused on the threat of no longer being able to travel with bows made of Pernambuco, as Brazil proposed restrictions on the trade of the wood. At the 19th conference of the parties to CITES (CoP19) in Panama in November, a solution was found, allowing musicians and music groups to continue travelling with Pernambuco bows without CITES certificates.

At the same time, further exchange on the use of the musical instrument certificate (MIC) continued, to facilitate the international travelling of orchestras and other music ensembles.

02 IN FOCUS: TRIPLE CRISIS

The year 2022 started with hope, as the Covid-pandemic got under control. It was expected that live performance events could happen again under normal circumstances and that touring and mobility could be resumed. There was hope, even if the global economy was still suffering from supply problems and shortages. But then there was the invasion of Russia in Ukraine on 24 February. It brought a large stream of war refugees from Ukraine, including artists. Performing arts organisations immediately opened their doors where possible and hosted artist refugees across Europe. Dissident artists from Russia fleeing as their lives were endangered because of their criticism of the Russian invasion found shelter with arts organisations in Europe. Ties with state-supported and regime-friendly arts organisations of Russia were put on suspension by the entire cultural sector in Europe.

As the sector tried to come to terms with the new circumstances, the next crisis that hit hard was the struggle with the energy (gas) supply of Russia. The EU had to react quickly, and national governments took strict measures, which also impacted the live performance sector. Energy prices went up spectacularly, savings had to be made, and investments in buildings to make them energy-proof were to be done as quickly as possible. The worldwide inflation was the drop that resulted in major cost increases throughout the entire value chain (from creation over production to dissemination).

Will 2022 be the annum horribilis of the decennium? Only future will tell...



Positions

On Covid-19

As part of the Tourism Manifesto group, Pearle* co-signed two position papers.

- Position on the European Commission's new regulation on EU digital covid certificate
- Towards a free movement of travellers within and into Europe: Resilience of the EUDCC System is Critical for EU Tourism Crisis Preparedness

Pearle* also contributed to the Commission consultation on SMEI – single market emergency instrument, underlining that a future SMEI has to focus on guaranteeing free movement of services, including the free movement of workers.

On Ukraine

Pearle* co-signed a letter with European cultural networks, drafted on the initiative of the European Theatre Convention (ETC). Read the open letter "International Cultural Cooperation With Ukraine Must Be Supported By World Leaders".

On the energy crisis

Pearle* issued in September an urgent call to the EU and Member States to secure live performance events and support cultural organisations, followed by a joint call of the European social partners 'live performance' for a coordinated action plan to overcome the serious impact of the energy crisis.

03 EUROPEAN PROJECTS

In 2022, Pearle* was involved in three European projects, which are presented in the table below.

	Gender equality on and off stage: a mapping project of the European live performance sector	Fostering social dialogue on skills to adapt to digitalisation in the EU audio-visual and live performance sectors	Revealing the Alliance Step 1 2 3
EU funding programme	Social dialogue (DG Employment)	Social dialogue (DG Employment)	Creative Europe
Roles	FIA – project leader Pearle* - partner, members in steering committee: OKO (BE), DBV (DE), FAETEDA (ES)	Uni-Mei – project leader Pearle* - partner, member of the steering committee	EFA-European Festivals Association's Network funding Pearle* - synergy partner
Period	January 2020 - March 2022	January 2020 - June 2022	January 2022 - December 2024
State of play	Project finalised	Project finalised	Project - year 1
Outcomes	<p>gender-equality-onandoffstage.eu</p> <ul style="list-style-type: none"> 6 country study visits: BE-DE-ES-FR-SW-UK recording of Gender Equality Thursdays database of good practices from social partners 	<p>creativeskillseurope.eu</p> <ul style="list-style-type: none"> webinars on digital skills (creation-production-distribution) national conversations (CZ-PT-ES) learning cards on digital skills 	<ul style="list-style-type: none"> Contribution to EFA's 70 years Yerevan - Panel on Sustainability Pearle* Conference – Paris: Workshop 'How Live and Digital can go together' The Ultimate Cookbook for Cultural Managers: Collection of three Infographics regarding Social Security, Artist Taxation, VAT (from the 2021 updates)

04 PEARLE* GOVERNANCE & STRUCTURE

Pearle* is governed by a General Assembly and an Executive Committee. The daily management of the association is undertaken by a team based in Brussels.

EXECUTIVE COMMITTEE

Chairman: Morten Gjeltén, *NTO – Norsk Teater og- Orkesterforening*, Norway

Secretary: Liesbeth Dejonghe, *oKo – Overleg Kunstenorganisaties*, Belgium

Treasurer: Zdeněk Pánek, *APD ČR – Asociace profesionálních divadel České republiky*, Czech Republic

Members:

- * **Julian Bird**, *SOLT/UK Theatre – Society of London Theatre & UK Theatre Association*, United Kingdom
- * **Marc Grandmontagne**, *DBV – Deutscher Bühnenverein – Bundesverband der Theater und Orchester*, Germany.
Replaced by **Claudia Schmitz** at the General Assembly in Manchester in May 2022
- * **Sébastien Justine**, *Les Forces Musicales*, France
- * **Tania Swayne**, *FAETEDA – Federación Estatal de Asociaciones de Empresas Productoras de Teatro y Danza*, Spain

Delegates (in alphabetical order):

- * **Francisca Carneiro Fernandes**, *Performart – Associação para as artes performativas em Portugal*, Portugal
- * **Asbjorn Keiding**, *DEOO – Dansk Ensembler, Orkestre og Operainstitutioner*, Denmark
- * **Géza Kovács**, *AHO – Magyar Szimfonikus Zenekarok Szövetsége*, Hungary.
Replaced by **Momchil Georgiev**, *BAROK – Bulgarian employers in culture*, Bulgaria at the General Assembly in Manchester in May 2022
- * **Mark Pemberton**, *ABO – Association of British Orchestras*, United Kingdom
- * **Malika Séguineau**, *FEPS/Prodiss – Fédération des employeurs du spectacle vivant public et privé*, France
- * **Berend Schans**, *VNPF – Vereniging Nederlandse pop podia en festivals*, Netherlands
- * **Ilka Schmalbauch**, *DBV – Deutscher Bühnenverein – Bundesverband der Theater und Orchester*, Germany

AUDIT COMMITTEE

Claudia Belchior, *Performart*, Portugal
Roman Steiner, *SBV/UTS*, Switzerland
Pierre Van Diest, *oKo*, Belgium

EMPLOYMENT AND SOCIAL AFFAIRS GROUP

Pearle* full members mandated to take part in European sectoral social dialogue committee 'live performance', facilitated by DG Employment, Unit Social Dialogue. Preparatory, ad hoc or thematic meetings on employment and social affairs, accessible to the wider membership.

EOF – EUROPEAN ORCHESTRA FORUM

Representatives of orchestras and its associations. The EOF is an initiative of AFO, France. Meetings on ad hoc basis, usually just before or during a Pearle* conference. Participants discuss a wide range of topics and exchange practices from their respective organisations and countries.

MuSiQuE

Foundation for Quality Enhancement and Accreditation in Higher Music Education. It is an external evaluation body dedicated to the continuous improvement of the quality of higher music education across Europe and beyond and to assisting higher music education institutions in their own enhancement of quality.

MusiQuE operates according to the Standards and Guidelines for quality assurance in the European Higher Education Area (ESG). Pearle* is one of the founding and partner organisations of MusiQuE, together with AEC and EMU.

Representative on behalf of Pearle*: Assoc. Prof. Momchil Georgiev, PhD, and Secretary General of Bulgarian Association of Employers in Culture (BAROK).

Furthermore, Finn Schumacker (chair of DEOO) is part of the MuSiQuE working group on the revision of standards.

BRUSSELS OFFICE

- * **Anita Debaere**, Director
- * **Silke Lalvani**, Head of European Affairs (and coordination of the EFA-Revealing the Alliance project activities)
- * **Veronka Köver**, Communication and Membership Officer (January-July)
- * **Flora Croce**, Communication and Membership Assistant (as of November)

05 ASSOCIATION ACTIVITIES



2 members conferences and general assemblies

12-13 May 2022, Manchester. Host *ABO, Association of British Orchestras*

17-18 November 2022, Paris. Host *FEPS, Federation of employers in the public and private live performance in France*

2 meetings of the EOF – European Orchestra Forum

11 May 2022, Manchester. Host *ABO, Association of British Orchestras*

Including annual exchange in framework of partnership with MuSiQuE

16 November 2022, Paris. Host *AFO, Association of French Orchestras*

5 meetings of the Executive Committee

15 March 2022 – online

11 May 2022 – Manchester

7 September 2022 – online

25 October 2022 – online

16 November 2022 – Paris

3 meetings of the European sectoral social dialogue committee 'live performance'

4 March 2022 – working group: online

13 September 2022 – working group: hybrid

6 December 2022 – plenary: in person

06 MEMBERS

The Pearle* membership expanded in 2022 with 2 new members:

- As a full member: *Unia Teatrów Niezależnych – UTN, Union of Independent Theatres, Poland*
- As an associate member: *TEH – Trans Europe Halles*

Because of the invasion of Russia into Ukraine, the membership of the associate member *Russian Union of Concert Organisations – RUCO* has been put on hold.

Pearle* – 66 members

43 full members (European-based national associations)

23 associate members of which:

- 2 non-European associations
- 10 European networks
- 11 individual organisations



PEARLE* MEMBERSHIP OPTIONS

Full membership

intended for national associations from a European country

Associate membership (3 types)

intended for

- Non-European national association
- European network in the live performance sector
- Individual organisations or enterprises with a direct link to the live performance

Contact

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More info

<https://www.pearle.eu/register>

PEARLE*-LIVE PERFORMANCE EUROPE

REPRESENTS through its members associations more than 10,000 live performance organizations across the entire value chain: from creation, over production, to distribution, including service suppliers. It concerns both profit and non-profit organizations and enterprises. The size varies from micro-companies, over small and medium-sized, to SMEs employing over a thousand people.

IS RECOGNIZED AS THE ONLY EUROPEAN ASSOCIATION to represent management in the European sectoral social dialogue committee 'live performance' facilitated by DG Employment of the European Commission.

HAS OVER THIRTY YEARS of experience on public affairs and is a trustworthy interlocutor to the European Institutions, working along high ethical standards in our contacts with public officials. Based in Brussels, Pearle* is strategically positioned to advocate for the live performance sector and to stimulate a welcoming regulatory environment to help move the sector forward.

ABOUT THE LIVE PERFORMANCE SECTOR

The live performance sector in EU, UK, and EFTA, including music and performing arts, employs over 1,6 million workers (source Orbis database, May 2020 – in Mobilive report).

There are more than 800,000 companies active in the live performance sector in EU, UK, and EFTA, which also includes one person companies. (source Orbis database– May 2020 in Mobilive report).

The annual turnover of the performing arts and live music sector is about 44,5 billion euros (source: EY study 2014).

Acknowledgements

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- oKo (the Flemish Association of Arts organizations) for its logistic and administrative support
- Kaaitheter at Square Sainctelette in Brussels to host the Pearle* secretariat and offering its spaces

With special thanks to:

all the members for their support, engagement, trust, commitment, and expertise.

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