

Consultation:
Towards a new European Neighbourhood Policy
Response of Pearle*

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1. Introduction

The aim of the consultation is to gather stakeholder views on the future direction of the European Neighbourhood Policy (ENP) and to help to contribute to a Commission Communication setting out concrete proposals in this field.

As set out in the joint consultation paper, the ENP was designed in 2003 to develop closer relations between the EU and its neighbours by building on political, economic and institutional reforms and fulfilling a commitment to common values. In the context of new challenges with regard to the EU's eastern and southern neighbouring countries, Commission president Juncker has decided to review the frame and the goals of the ENP.

Pearle* - Live Performance Europe welcomes the opportunity to contribute to this consultation as it covers a number of areas which are of prime importance for the live performance sector.

Pearle* represents through its members the interests of about 7,000 organisations in the performing arts and music sector and is recognised by the European Commission as a European sectoral social partner for employers in the live performance.

The position paper focuses on specific areas of interest for the live performance sector and in particular addresses questions raised in sections II and III of the joint consultation paper "Towards a new European Neighbouring Policy".

2. General remarks on the live performance sector in the context of the ENP

- * **A sector characterised by SMEs:** The EU live performance sector exists of thousands of different types of enterprises, varying from larger entities (public institutions or commercial enterprises) to medium-sized and small theatres, orchestras, venues, festivals, dance or other performing arts companies and very small to micro-sized producing companies or project-led organisations. It concerns a mixture of organisations with different legal status, such as public or semi-public institutions, subsidised, non-profit and profit-making organisations.
- * **A sector committed to values:** The EU live performance sector defends genuine European values. It represents and refers to 3000 years of shared European heritage while bringing contemporary relevance to people's interaction with the performing arts today. In this sense, theatre plays, operas, concerts, music events and other live shows are reflecting our "living together" – they root people in their society, transmit knowledge and values, and promote common history. They also have an impact on a wide range of societal aspects, such as education, social cohesion, economic benefits, urban and regional development, ecological development, health and wellbeing. They are an important response to the cultural, ideological, social, economic and religious tensions existing in today's world.
- * **A sector employing EU and non-EU nationals:** in a sector where the focus is on the artistic output, it is common to work with international teams, where nationality does not prevail. The cast of a production is often a mixture of different nationalities from Europe and beyond. It may concern third-country nationals working under an employment contract or as self-employed.
Also touring companies are regular guests at festivals, in theatres and venues in the EU. Soloists or artists play on stages across Europe.
- * **Innovation and learning is a constant feature of the sector:** Third-country nationals in the live performance sector also often travel to stimulate and develop their professional career. Concretely they may take part in workshops, auditions and master classes, residencies, specific specialised training programmes or others.
- * **Professional opportunities:** Third-country nationals in the sector live performance travel to the EU for the purpose of prospection (seeking to see new performances and shows) and in order to contract producing companies or artists for tours in their respective country. Or

they travel to the EU to take part in conferences or trade fairs, to set up (cultural) exchanges or for other professional purposes.

- * **Term of stay in the EU:** The period for which third-country nationals travel in the live performance sector to the EU may be for a minimum of one day (to play one performance), a number of days, several weeks or months, a year, two years or longer.
- * **Places of stay:** It is common for third-country nationals, similar to performers from the EU, to travel around the world. This means that they often travel in- and out of Schengen and in- and out of the EU. Their stay in different Member States depends on the tour schedule and professional opportunities.

3. Section II: Lessons Learned and Questions on the Future Direction of ENP

The European Neighbourhood Policy helps to deepen the relationship with the EU's partners at an economic, political and cultural level and is therefore to be maintained.

Special focus should be brought to **targeted approaches** such as partnership agreements in well defined areas, **tailored funding programmes and sector cooperation**.

Preliminary remark:

Pearle* takes no position regarding the questions which are of a political nature, such in relation to the questions on the type of agreements and political association.

In its answer to selected questions, Pearle* wishes to contribute to the reflection on the ENP from the viewpoint of the live performance sector in which on a daily basis cultural cooperation and exchange is taking place.

In Pearle's view the future of ENP cultural cooperation needs to be supported and strengthened to adhere to Europe's aims of cultural diversity and European values.

There is an important leverage effect that stems from working together through international co-productions and integration in European cultural networks. The ENP can be complimentary in that respect to Europe's cultural programme, and fill an existing gap.

Responses to a number of selected questions raised in this section.

- The importance of building deeper relationships with the EU's partners is not in question.

Should the ENP be maintained? Should a single framework continue to cover both East and South?

The ENP has proven its relevance in the past and should be continued, as it is part of the EU's foreign policy. Good relations with its neighbours are of crucial importance. Whilst there are general goals applicable and of interest with each of the 16 neighbouring countries, the challenges for the next years are often country focused. For instance, the cultural landscape is different in the Eastern countries, non-EU Balkan countries and countries in the South. Therefore they require different approaches in terms of cultural cooperation and exchange.

- The current framework of the ENP covers 16 neighbouring countries. However, many of the challenges that need to be tackled by the EU and its neighbours together, cannot be adequately addressed without taking into account, or in some cases co-operating with, the neighbours of the neighbours.

Should the current geographical scope be maintained? Should the ENP allow for more flexible ways of working with the neighbours of the neighbours? How can the EU, through the ENP framework, support its neighbours in their interactions with their neighbours? what can be done better to ensure greater coherence between the ENP and the EU's relations with Russia, with partners in Central Asia, or in Africa, especially in the Sahel and in the Horn of Africa, and with the Gulf countries?

A neighbourhood policy cannot be seen isolated from the neighbours of the neighbours. The EU foreign policy therefore requires an integrated approach with the ENP. It requires also a more present and active policy of cultural cooperation in particular between cultural organisations of the neighbouring and neighbours of neighbours. This should not only be facilitated through the Creative Europe programme which is limited in resources and has its specific goals, but through targeted support within the European Neighbourhood instruments in addition to support which is set aside for capacity development and Civil Society.

- While the ENP is conducted through the EU institutions, greater **Member State involvement** could lead to greater results.

How could a more comprehensive approach with more active involvement by Member States give the policy greater weight? Would strong co-ownership of the policy be preferred by partners?

Pearle agrees that the ENP needs to be supported by Member State involvement in order to fully reach its goals. For that purpose Member States need to have the means, in particular also for allowing civil society initiatives to act.

However, an involved Member state approach needs also to take into account bilateral partnerships between an EU Member State and neighbouring countries, as these are often built on historical relations or other agreements.

- **ENP Action Plans** have framed the development of relationships between the EU and most ENP partners.

Are the ENP Action Plans the right tool to deepen our partnerships? Are they too broad for some partners? Would the EU, would partners, benefit from a narrower focus and greater prioritisation?

The paragraph on culture in the Action Plans is very limited and optional; yet, culture is more than ever a key element to address the common challenges of the EU and its neighbours. Training of artists and cultural professionals, capacity building for managers of cultural organisations, exchanges with representatives of ministries of culture and cultural institutions, support for study visits or participation in conferences organised by European cultural networks are instruments towards implementation of the goals of cultural diversity.

In addition capacity building for the development of social dialogue in the cultural sectors is also part of a better outcome oriented partnership between the EU and the ENP partners.

- The ENP has provided a **framework for sector cooperation** across a broad range of areas (including energy, transport, agriculture and rural development, justice and home affairs, customs, taxation, environment, disaster management, research and innovation, education, youth, culture, health, etc.)

Can partnerships be focused more explicitly on joint interests, in order to increase ownership on both sides? How should ENP accommodate the differentiation that this would entail? Are new elements needed to support deeper cooperation in these or other fields?

As mentioned in our response to the above point (ENP action plans) Pearle is of the opinion that sector cooperation can achieve important results 'on the ground' creating an environment of common understanding through learning and collaboration. The effect of cooperation through targeted projects has an important effect on peers, in particular through dissemination such as social media or other means. This is particularly important for cultural operators, artists and creators today.

The ENP can include a much more focused approach for sector cooperation; with regard to culture the framework approach applicable today is characterised by a political voluntarism, rather than delivering through concrete actions on the intended goals or objectives. Sector cooperation in the ENP with support mechanisms for concrete activities by cultural organisations can accommodate true ownership for all those involved.

- **Visa liberalisation** and visa facilitation processes have eased travel and cemented reforms; mobility partnerships have furthered contacts, with programmes supporting these processes.

What further work is necessary in this area, which is regarded as key by all ENP partners? How can the ENP further support the management of migration and help to draw the benefits of mobility?

Over the past years the live performance sector has addressed at various forums, seminars, workshops, through publications and papers, the impediments and challenges to invite, work with and employ third-country nationals. Indeed, the live performance sector is highly international and groups are composed of many nationalities performing all across the world.

Whereas the EU has addressed issues for various sectors working with third-country nationals or hosting non-EU nationals through EU legislation such as the Researchers directive, the Blue card directive or the Seasonal workers directive, and whereas visa liberalisation with Balkan countries has improved the cultural exchange, a main gap remains for those third-country nationals who want or need to travel across various member states (inside and in & out the Schengen zone).

It is often reported that hindrances and obstacles arise in particular for those that require a visa, but also visa exempt third-country nationals are concerned when touring in the Schengen zone and in the EU. These obstacles limit the sector to take full advantage of its potential and to bring employment, local economic benefits, and cultural exchange to local communities, cities, regions and countries.

The visa package proposal of the European Commission presented on 1st April 2014, including a recast of the Visa Code and a proposal for a Touring Visa is highly welcomed as it will give the sector more flexibility to respond to demands, thereby giving oxygen for future growth. The Touring Visa would be available to both visa exempted and non-visa exempted individuals and would allow qualified non-EU nationals such as live performance artists with touring companies to circulate within the Schengen area for up to one year with a possibility of extension for one year. National rules would continue to apply to stays exceeding 90 days in any 180 days in a single Member State and govern work permits.

If adopted, the proposal will amongst others, increase cultural exchange and diversity. The possibility to tour longer in the European Union will increase the availability of live touring performances for audiences across Europe that feature performers from a variety of countries including also from outside of the European Union.

It will also reduce burden on governments and the cultural sector, as increasing the period of validity of the visa will significantly decrease costs for artists, touring companies and consulate staff and facilitate tour planning. Allowing consulates to waive documentation requirements for applicants with known, reliable companies also will significantly reduce administrative burden without increasing risk.

Recently, in the context of the review of the European Union's visa policy to facilitate legitimate travelling, Pearle* estimated a loss of at least 1 billion Euros of missed opportunities in terms of extension of tours, additional contracts, prolonged stays of touring companies resulting in additional income for local hires and local catering, due to the 90 day limitation for touring in a 180 day period.

- The ENP works extensively with governments, but also seeks to engage with **civil society**, including enhancing its monitoring function, particularly in countries where civil society is free or largely free, to operate.

[...] What more can be done to promote links between business communities? With and between Social Partners (trade unions and employers' organisations) and to promote social dialogue?

Pearle* is a European employers association, recognised as the representative employers association under Article 154 TFEU and is consulted on matters which have a social impact. Pearle* has from the outset of its creation in 1991 carried in its mission and objectives of the association the aim to support the creation of employers associations. Pearle, together with its trade-union social partners carried out several projects in the period 2003-2010 before and during the enlargement processes.

Social dialogue is an important instrument to create a stable environment for all those working in a particular sector as it sets a framework on working conditions. The EU has in this regard a leading role to play and it is necessary for its economic and social role to which the EU adheres, that social dialogue between sectors can be promoted and developed. All actors must be involved, and, indeed, alongside governments, should also allow for engagement with civil society. If the EU wants to achieve added value of such engagement, existing instruments should allow involving civil society in European projects and activities. It should also allow for the financing and support of ENP partner countries in a process of developing social dialogue to take part in meetings, conferences or projects of social partners and of sectoral associations.

- The ENP seeks real partnership with the EU's neighbours, and this must reflect and embrace diversity.

How can the ENP do more to foster religious dialogue and respect for cultural diversity, and counter prejudice? Should increasing understanding of each other's cultures be a more specific

goal of the ENP and how should this be pursued? How can the ENP help tackle discrimination against vulnerable groups?

Pearle* is strongly in favour of implementing the **increasing understanding of each other's cultures** as a specific goal of the ENP.

Mutual comprehension, a better communication and the involvement of civil society are key conditions to strengthen the EU's relationship with neighbouring countries from the East and the South. Appropriate tools to foster understanding would be cooperation and education projects, training opportunities and cultural exchanges to build bridges between people and societies.

When it comes to promote social cohesion and help tackle societal issues such as discrimination cultural activities have a key role to play as they incentivise individuals and communities to define, develop and reflect upon their own identity and engage in a dialogue with others.

The cultural aspect of the ENP seems to constitute a necessary basis when *"aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation"*, such as outlined in Article 8(1) TFEU.

4. Section III: Towards a Partnership with a Clearer Focus and More Tailored Cooperation

Do you agree with the proposed areas of focus? If not, what alternative or additional priorities would you propose?

Pearle* agrees that **migration and mobility** is a key area of co-operation for the EU and our partners. For professional purposes it is of prime importance to enhance mobility and allow flexible travelling for third country nationals and European live performance organisations alike – with the aim of programming high level cultural events be it in or outside the European Union.

In the context of significant political developments in the Eastern and Southern neighbourhood of the EU, mentioned in the joint consultation paper, which led to growing challenges, conflict situations and security threats, Pearle* advocates an additional priority which is a **sustainable cultural support and cultural cooperation between the EU and its neighbouring countries**. As outlined above, culture and the arts, including live performances, reflect our "living together" and are one of the substantial responses to current societal and political tensions. At the long term, they will help to strengthen civil society and have a positive impact on governance challenges and the democratic process in the EU's neighbourhood.

- Does the ENP currently have the right tools to address the priorities on which you consider it should focus? How could sectoral dialogues contribute?
- If not, what new tools could be helpful to deepen cooperation in these sectors?
- How can the EU better support a focus on a limited number of key sectors, for partners that prefer this?

In the area of culture, as already mentioned above, the ENP can give this area a much higher priority in the coming years, as it is clearly important to support both cultural diversity and common historical and European values.

New instruments supporting cultural cooperation, training, exchange, study visits and access to events and conferences are ways to achieve those objectives. Involvement from institutional level to cultural actors and interaction with audiences are the target groups for such cooperation.

The live performance sector has always treasured the value of international cooperation, but it needs the tools in terms of regulatory affairs (such as visa facilitation and better visa policy) as well as through support programmes.

The EU can also facilitate through support of study visits, help to promote through its external relation services the cultural activities and cooperation. In addition it is necessary to support through capacity building sectoral dialogue and building of different associations in civil society, such as employers and sectoral ("business") federations.

5. Conclusions

1. Culture needs to play a much more prominent role in the new ENP. Culture is an essential element of neighbourhood partnership which cannot be implemented without understanding each others' cultures and sharing common values.
2. To do so, it requires a regulatory environment to allow for cultural cooperation (such as on visa policy).
3. Support mechanisms, in particular also financial programmes, are necessary to implement aspects of cultural cooperation.
4. Associations and cultural organisations should be better taken into consideration in the new ENP and play an important role as they achieve concrete results and outputs, whilst building firm roots for long term policy objectives.