



‘Social Security and Mobility of visual artists in Europe’ workshop

November 4, 2016 – Haus der Kulturverbände in Berlin

Since 2010, a simplified social security procedure has been in effect for self-employed workers who travel within the EU in connection with their work. Visual artists may make use of the method of self-posting for a temporary work-related stay abroad and are then covered under the social security scheme throughout Europe.

Embedded in a network of European, international and national umbrella organizations, the IGBK initiated a process in 2009 aimed at helping to identify potential barriers for mobile visual artists in the practical implementation of this regulation and developing possible solutions. In recent years, the legal framework for workers who travel throughout Europe has been simplified further. Several online information portals have been set up to inform visual artists about these procedures. These activities were complemented by a discussion process under the auspices of the European Commission.

The aim of the workshop on November 4, 2016, is to take stock of the aforementioned activities. In essence, the goal is to work out, with the active involvement of the participants, the extent to which these simplified procedures are known among and utilized by mobile visual artists across Europe. Examples of best-practice and possible shortcomings of the procedures will be identified. Recommended actions should then be derived based on the discussion.

Social security coverage for mobile artists in Europe

For many years, agreements concerning the coordination of European social security systems have been developed further and adapted to suit the mobility requirements of the workforce on a continuous basis. To simplify the free movement that is guaranteed within the European Union, a modernized coordination system was introduced in 2010 that applies to all EU citizens who are publicly insured in their country, regardless of their employment status. The new coordination system is intended to improve cooperation among the social insurance agencies in Europe, which are still organized very differently to one another. This includes the gradual introduction of an electronic data exchange system. German social security legislation usually continues to apply to self-employed or employed workers who are working abroad temporarily. In these cases, posting certificates (the A1 form within Europe) can be issued.

It is vital that this instrument be intended exclusively for the **temporary work-related stay abroad**. The legislation of the host country applies if a stay exceeds 24 months or if no return to the country of origin is scheduled.

Employees are usually posted abroad by their employer and receive all necessary information and comprehensive social security coverage as a result. The self-employed, however, face the challenge of having to procure this information largely on their own. With regard to the mobility of people engaged in the cultural sector, the **most important new feature for the self-employed in the Regulation from May 2010 is the process known as (self-)posting**, which allows self-employed artists to work in another EU country for up to 24 months without losing cover through their respective national insurance systems. The **A1 form**, which is usually issued by the responsible health insurance carrier, certifies which legislation on social security is applicable to people working abroad temporarily. This form is issued in the country the legislation of which applies. The form also confirms that no social security contributions (including health insurance contributions) must be paid outside of the country of origin.

Activities at national and EU levels

Together with a network of European and international umbrella organizations (IAA Europe, On The Move, Culture Action Europe, Trans Artists) and supported both financially and otherwise by the Federal Government Commissioner for Culture and Media, the IGBK initiated and organised an **expert panel on the mobility** of artists in Europe in **December 2009** intended to help to identify potential barriers for mobile visual artists in the practical implementation of this regulation, develop possible solutions and establish sources of information.

The panel included representatives of European artists' organizations and artists' residences, cultural networks, information agencies and scientists and discussed existing barriers to mobility and the question of how cross-border work could be facilitated for visual artists. The discussions were divided into the four thematic blocks: 'Taxation and Customs,' 'Visa Regulations,' 'Information and Advice,' and 'Funding Instruments.'

The resulting list of recommendations was presented within the working group on the mobility of artists and cultural professionals at EU level, which was implemented in the context of the OMC (open method of coordination). In its final report in June 2010, the OCM working group stressed that the issue of coordinating social security legislation must be focused on more intensely in the future. This topic had deliberately been excluded at the 2009 event due to its complexity.

2010 expert workshop in Berlin

The IGBK 'Social Security of Visual Artists in Europe' expert workshop in November 2010 focused on this issue and dealt exclusively with the needs and experiences of mobile visual artists working in the EU. The issues of social security coverage in Europe and the coordination of existing European legislation and social security systems took centre stage. The exchange of experiences focused on the following questions:

How do the individual countries organize the flow of information about social security coverage options and existing EU regulations? Is an effective information policy in place? Have the existing EU regulations and recent changes been implemented ad-

equately? Are they sufficiently well known – and do they even reflect the needs of the artist? The results of this event indicated that there are significant information gaps with respect to the EU-wide regulations concerning social security legislation and that both artists' associations and artists themselves are not sufficiently informed about these instruments.

Tailored information on European mobility

The discussion processes that have taken place to date gave rise to the idea of developing an application-oriented online information portal focusing on social security issues and other relevant information (e.g. tax, customs, and visa issues). The end of 2010 thus saw the birth of the idea for the touring artists information portal. Since then, the International Theatre Institute (ITI) and the IGBK have been advancing the project in close collaboration with the Federal Government Commissioner for Culture and Media (BKM). The BKM is funding the project in addition to being involved in its conception, and is thus making an important contribution to implementing the conclusions of the European Council on promoting the mobility of people engaged in the cultural sector: the provision of information about legal and procedural aspects was a central element in the Work Plan for Culture (2011–2014). The European Commission and the Member States were called upon to implement appropriate information systems for artists and people working in the cultural sector. Furthermore, an expert panel appointed by the Commission in 2011 defined the 'Information Standards for the Mobility of Artists and Cultural Professionals,' which were also taken into account in the development of the touring artists website.

Years of experience and feedback from artists as well as surveys and interviews on all aspects of cross-border activities have contributed to the format of the online portal launched in 2013. As a supplementary service, touring artists has been offering a free advisory service for artists since 2014 in cooperation with SMartDe, a German organisation supporting creatives and artists. With 17,000 visitors to the website each month, the touring artists project can certainly be considered highly successful.

Other activities at EU level

In the summer of 2014, the European Commission conducted the ‘**Analysis of Administrative Practices on Artists Mobility & Social Security/Taxation**’ seminar within the framework of the European Agenda for Culture Council Work Plan for Culture 2011–2014. The event was attended by 18 country representatives from the fields of culture, social and labour market policy and finance. The seminar focused primarily on EU regulations and the mobility of artists. The goal was to identify problems and obstacles, as well as examples of good practice. The ‘Artists’ mobility and Administrative Practices related to Social Security and Taxation in the European Union (EU)’ study, which was conducted by On the Move (OTM) on behalf of the European Commission constituted the basis for the event. This study is based primarily on document analyses and was supplemented by an online survey among stakeholders in the creative sector. On the Move (OTM) is an information network with more than 35 member organizations in over 20 countries.

The key results of the study can be summarized as follows:

- There is still a significant lack of information about social security issues in many countries; there are hardly any multilingual information portals the few that are in place are isolated, and artists are faced with contradictory statements on part of the administrative authorities.
- Interaction between administrative authorities and new EU regulations is often ineffective.

Another meeting in the context of the European Agenda for Culture Council Work Plan for Culture 2015–2018 took place in **May 2016** regarding the **mobility of artists and other cultural professionals** and was attended by experts from 22 EU nations. This session focused on the discussion and evaluation of initiatives and processes concerning taxation, social security legislation and visa issues that had been introduced since the last meeting in 2014. The panel was made up of government representatives from the cultural, social and financial policy sectors. Further participants included representatives from cultural organizations, unions, employers, university professors and lawyers, independent experts and cultural practitioners.

The event saw the introduction of various innovations at the EU level, such as a new Directive (EU 2016/589), facilitating cooperation among Member States with regard to the mobility of workers within the EU. The 'Practical Guide on applicable legislation' information booklet and the European Health Insurance Card were also presented. The latter will be in use in all European Member States by 2019.

It was pointed out at the meeting that there have been a variety of activities and recommendations at EU level in recent years regarding the provision of information explicitly pertaining to the mobility of artists and cultural professionals in the Member States. The general regulations for mobile artists have improved greatly in recent years and these developments have in turn prompted the following publications:

- Information Standards for the mobility of artists and cultural professionals (2011) http://ec.europa.eu/culture/library/publications/mobility-info-standards_en.pdf
- Report on building a strong framework for artists' mobility: five key principles (2012) http://ec.europa.eu/culture/library/reports/artist-mobility-report_en.pdf
- Policy Handbook on artists' residencies (2014) http://ec.europa.eu/culture/policy/cultural-creative-industries/documents/artists-residencies_en.pdf

Concept note 'Social Security and Mobility of visual artists in Europe' workshop

More than six years after the adoption of the new Regulations No. 883/2004 and No. 987/2009, there is still uncertainty regarding the extent to which self-employed visual artists utilize the simplified procedure for the purposes of ensuring social insurance coverage in other EU countries. Reports from artists themselves suggest that they perceive the procedures as too bureaucratic, too complex and too time-consuming. Furthermore, the competent authorities appear not to be sufficiently knowledgeable and seemingly pass on conflicting information as a result. These are the current experiences from a German perspective. However, the results are similar in some respects to the findings of the 2014 international study entitled ['Artists' mobility and Administrative Practices related to Social Security and Taxation in the European Union \(EU\).'](#)

The workshop will be composed of two parts, each with a different focus:

Part 1: The practice of self-posting – best practice and lack of information

Question regarding the extent to which visual artists are familiar with the simplified self-posting procedure and whether they make use of it will be central to the first part of the workshop. In particular, current sources of information will be examined and best practice examples presented and discussed. Possible obstacles and barriers will be identified and solutions developed for addressing them. The findings from individual European countries on the subject of self-posting of visual artists in Europe will be pooled and discussed in this part of the workshop.

The participants of the workshop are invited to contribute details of their national experiences as part of the discussion. A short questionnaire can be found in the attachment which might be used by the National Committees to approach the thematic.

Part 2: Recent developments in national social security systems relevant to visual artists

During this part of the event, current issues and discussions concerning national social security systems for artists will be addressed. The focus will be on special social security schemes for artists (Austria, France and Germany). A report from Sweden on a suggested state social security reform and its potential impact for visual artists will also play a central role.

Text by Carroll Haak

Appendix

Survey

Introductory questions

- Which nationality do you belong to?
- In which country do you have your main residence?
- Are you a visual artist?
 - Yes
 - No
 - If not: I am ...
- Are you self-employed and/or dependently employed?
 - Self-employed
 - Dependently employed
- Do you have a health and/or pension insurance?
 - Health insurance
 - Pension insurance
 - Health and pension insurance
 - No insurance
- I am ...
 - insured in a special social security scheme for artists (Artists' Social Security Insurance, Artists' Social Security Fund Subsidy Model or similar)
 - privately insured
 - voluntary statutory insured

Questions concerning professional work abroad/A1 form

- Did you already spend time abroad in context of your professional work?
 - Yes
 - No
- From which country to which country did you travel in this context? (multiple answers possible)
- In case you moved in context of your artistic activity within the European Union did you apply for an A1 form before your stay abroad?
 - Yes
 - No, why not?
- Did you receive the A1 form?
 - Yes
 - No, why not?
- Was the process easy and uncomplicated?
- Were there any difficulties?
- Why did you not apply for it?

Final questions

- To what extent are artists working internationally informed about the applicable social security regulations in the European Union in your opinion?
 - good
 - sufficient
 - poor
 - not at all
- How do artists working internationally in your social circle usually handle their social security matters during a stay abroad? (multiple answers possible)
 - They travel without any special arrangements abroad
 - They use the A1 form
 - They use a foreign travel health insurance
 - Other: ...

Information on social security and mobility

- Where do you get information about questions on social security?
 - Internet
 - Authority
 - Artists associations/unions
 - Other: ...
- How could the information flow improve in your opinion? (multiple answers possible)
 - More comprehensive and exact online information portals for artists
 - Telephone hotlines in your own country
 - Information on EU websites
 - Other: ...