

AUDIOVISUAL

Workers' representatives	UNI Global Union: media, entertainment and arts section (UNI-MEI) (1993) http://www.uniglobalunion.org/Apps/iportal.nsf/pages/sec_20081016_gbkcEn
	International Federation of Actors (FIA) (1952) http://www.fia-actors.com/en/
	International Federation of Musicians (FIM) (1948) http://www.fim-musicians.com
	European Federation of Journalists (EFJ) http://europe.ifj.org/en
Employers' representatives	European Broadcasting Union (EBU) (1950) http://www.ebu.ch/en
	International Federation of Film Producers Associations (FIAPF) http://www.fiapf.org/
	Association of European Radios (AER) http://www.aereurope.org
	European Coordinator of Independent Producers (CEPI) (1989) http://www.cepi.tv/
	Association of Commercial Television in Europe (ACT) (1989) http://www.acte.be/EPUB/easnet.dll/execreq/page?eas:dat_im=025AE1&eas:template_im=025AC4

Sectoral Social Dialogue Committee (SSDC)

informal working group:	
SSDC:	29/04/2004 (30 th committee)
Rules of procedure:	29/04/2004
Work programme:	2007 – 2008

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GENERAL OVERVIEW OF SECTOR

The audiovisual sector lies at the intersection of numerous European policies (culture, information society, telecommunications, trade, intellectual property, etc.), which makes it a highly disparate industry. Moreover, national governments remain firmly attached to their sovereignty over audiovisual policy. The EU's role is therefore to lay down rules and guidelines in areas of common interest.

The [audiovisual arena](#) in the European Union has been expanding steadily for several years. New broadcasters and broadcasting stations are entering the European market every year, leading to growing audience fragmentation. As concerns jobs, the [audiovisual sector](#) directly employs more than a million people in the European Union. The [television sector](#) alone employed some 300,000 workers in 2006.

The issues arising in the audiovisual sector lie at the intersection between matters cultural (cultural diversity, media pluralism, etc.), technological (internet, multimedia, mobile television, digital terrestrial television etc.), economic (product marketing, collective management of royalties), of intellectual property (online music), of competition (gradual liberalisation of audiovisual industries, telecoms package), and even of law (protection of minors). The audiovisual sector is thus linked at one and the same time to policies on competition, trade, industry, telecommunications, the information society, culture and public services, making it an extremely complex and fragmented field. This fragmentation is reflected in the social dialogue participants, both on the side of the "workers" (federations of actors/performers, journalists, musicians, workers in the film industry) and on that of the employers (broadcasters, film producers, commercial television stations etc.). Furthermore, the audiovisual sector's Sectoral Social Dialogue Committee (SSDC) is distinct from the Live Performance SSDC. Given the fragmentation of those involved, and of the issues at stake, one might be forgiven for wondering about the relevance, in the 21st century, of the very concept of "audiovisual", bringing together as it does such a diverse range of situations and issues.

Politically, national governments remain firmly attached to their sovereignty over audiovisual policy. The EU's role is to lay down rules and guidelines in areas of common interest (opening of borders, competition).

Economically, the role of this sector is an important one. 98% of European households have a television. According to the [European Audiovisual Observatory](#), approximately one billion visits are made to EU cinemas every year. But there is fierce international competition: in 2007 the market share of European films was only 28.8%, compared with more than 62% for American films. This competition is, however, contained by the "cultural exception" obtained in international trade negotiations, authorising the EU to establish transmission quotas. From the 1980s onwards, the EU has lagged behind the United States in its marketing of audiovisual

products. The "[Television without frontiers](#)" directive has, since 1989, made an effort to catch up, with tangible but mixed results. Since then, other initiatives have been adopted, *inter alia* on convergence between the telecommunications, media and information technology sectors; on audiovisual policy in the digital era; and on promotion of the European audiovisual industry through the Media programme. Reflecting rapid technological developments, the old "Television without frontiers" directive was revamped in 2007 as the "Audiovisual media services without frontiers" directive, where a distinction is made between linear services, or television, including webcasting, streaming and netcasting on the one hand, and non-linear services such as video on demand, on the other.

Among other recent issues affecting the sector are:

- the framework for state financing of public service broadcasting, and the whole issue of the future of public services in the information society (competition);
- the extension of the period of validity of intellectual property rights applying to performers involved in recording pieces of music (from 50 to 95 years) (internal market and services);
- development of digital terrestrial television (DTT) services, and development and marketing of competitive services for mobile television (via adoption of the "Digital Video Broadcasting – Handheld" (DVB-H) standard) (information society);
- increased competition in collective management of royalties levied on music broadcast via internet, cable and satellite (competition) and an end to geographical restrictions on collecting societies' collecting rights.

It should be pointed out that this fragmentation of competence gives rise to significant contradictions. For instance, during the Commission's 2004-2009 term of office, Commissioner McCreevy wanted to extend the period of validity of intellectual property rights for musicians and in particular, he specified, those of anonymous backing musicians whose royalties constitute their only provision for retirement (although such an extension would seem mainly to serve the interests of the record industry majors). Commissioner Neelie Kroes, on the other hand, required increased competition in collective management of royalties, which, according to ECSA (the European Composers' and Songwriters' Alliance) would lead to "a drastic reduction in income for millions of creators" and to "a catastrophic decline in artistic creativity, cultural diversity and income for authors".

PARTICIPANTS AND CHALLENGES

Social dialogue in the audiovisual sector is of fairly recent date and brings together a number of federations on both the workers' and employers' sides (musicians, actors, film producers, radio stations, etc.). Having begun with the topic of vocational training, the dialogue then moved on to stress that the diversity of the audiovisual industry's sectors and sub-sectors must be taken into account in legal definitions of employment and self-employment. Often, in fact, work in the audiovisual sector is atypical employment.

Negotiations to set up a European social dialogue in the public audiovisual sector began in 1998, between EURO-MEI and the European Broadcasting Union, EBU. This process led to the setting up of a Sectoral Social Dialogue Committee (SSDC) encompassing the audiovisual sector as a whole. The Committee was officially inaugurated on 29 April 2004. As mentioned above, it brings together participants from a wide range of fields, on both the union and employer sides. The committee's rules of procedure are quite explicit, and adhere strictly to the provisions of the Commission decision instituting these SSDCs ([Decision 98/500/EC](#) of 20 May 1998).

It was not until 2006 that a brief joint declaration was adopted (as a follow-up to a conference held in Warsaw). The declaration defines the major issues in the sector in these terms: *"Public service and commercial broadcasting, as well as production, are witnessing fundamental changes linked to the development of new technologies. New technologies offer both the opportunity and the need to create and invest into new forms of communication, products and new forms of delivery. With the audiovisual sector undergoing constant change and developing new business models, training is of key importance."* After giving formal recognition to ILO Conventions Nos. 87 (freedom of association and protection of the right to organise) and 98 (right to organise and collective bargaining), the joint declaration then stresses the importance of social dialogue at European, national, regional, local and company level, and calls on the EU and its Member States to promote and facilitate such social dialogue. The declaration also announces discussions to be held on the Commission's [Green Paper](#) on modernisation of labour law.

As a result, in 2007 the social partners in the sector adopted their first joint opinion on labour law. It particularly stresses the diversity of sectors and sub-sectors in the audiovisual industry, to be taken into account in legal definitions of paid employment and self-employment. Employment in the audiovisual sector is indeed often atypical: as well as full-time jobs, there are numerous part-time formulae, fixed-term contracts etc., which calls for a certain degree of flexibility in legal definitions. This joint opinion also acknowledges the fact that the sector is exposed to moonlighting (undeclared work) and to transnational mobility, requiring enhanced cooperation between Member States (particularly in respect of labour inspection).

The sectoral work programme for 2009 focuses on promotion of social dialogue, vocational training, equal opportunities, health and safety, follow-up to the Green Paper on labour law, evaluation of the SSDC five years on, and consultation on EU legislative initiatives in the field of employment and social affairs. These various

priorities will be addressed through study visits, the establishment of working groups, pooling of experience etc. So it looks as though 2009 is the year when this sectoral social dialogue reaches cruising speed.

OUTCOMES

The considerable fragmentation of this sector could be an obstacle to the adoption of joint texts on issues not directly affecting all participants. Be that as it may, social dialogue in this sector – which has experienced so many upheavals over the past twenty years – does seem to be reaching cruising speed at the end of the first decade of the 2000s.

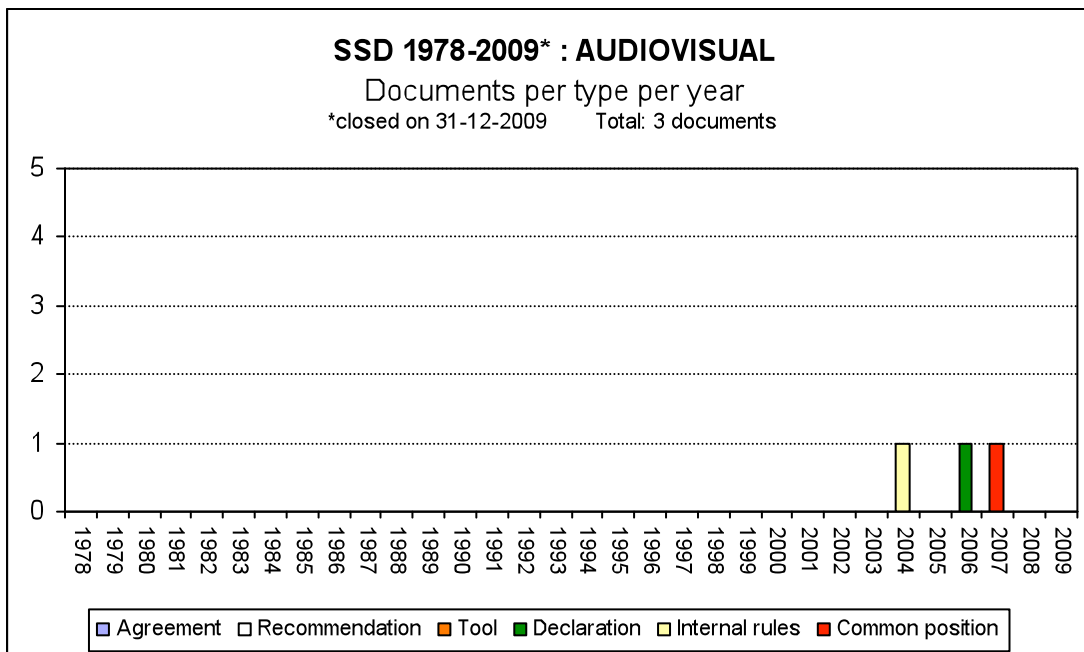
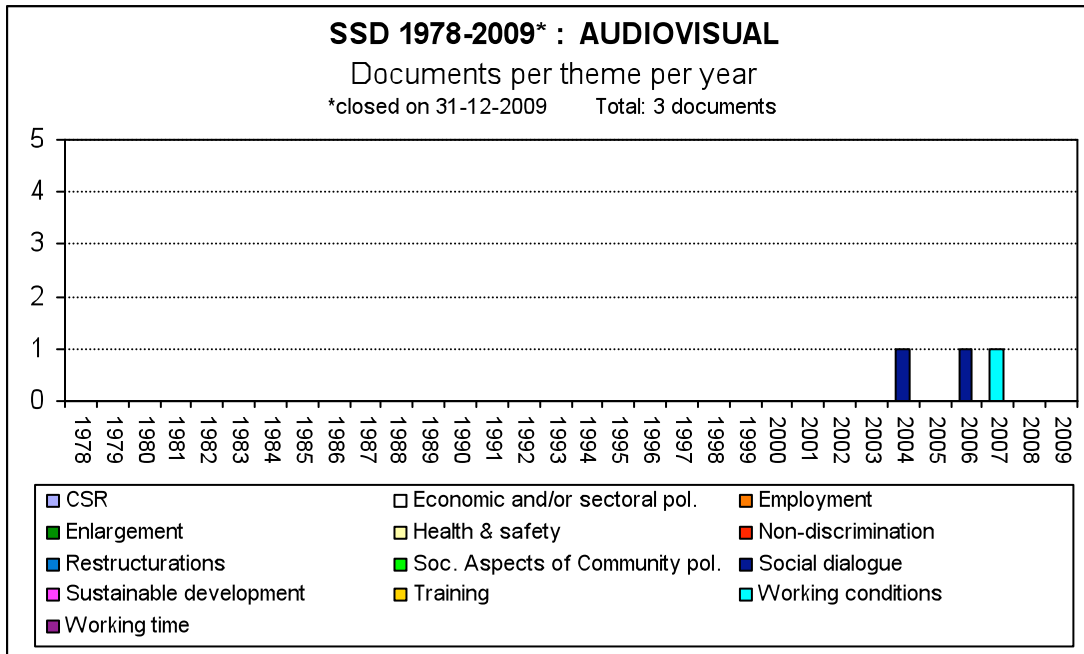
Given all the economic and social issues facing this rapidly changing sector, the SSDC has apparently decided, at least for the time being, to address only those overarching concerns which affect the sector as a whole (labour law, health and safety, training).

By contrast, it has been noticeable over the last few years, as regards specific Community initiatives (intellectual property, introduction of competition in collective management of royalty collection, etc.), that action has been taken above all by the federations directly affected. They have done so by lobbying the European Commission and the Member States to put across their point of view. For example, in February 2007, it was heads of companies in the communications technology and online media industries who contacted the Commission directly on the subject of fees to be charged for private copy in the EU; in March 2008 it was the European Broadcasting Union ([EBU](#)) that defended its position on the UHF (ultra high frequency) market, and on developing digital terrestrial television (DTT) services; in July 2008 it was authors' groups that made representations to the Commission on the subject of the monopoly held by collecting societies. This is no doubt explained by the fragmentation of the sector, which might be an impediment to the adoption of joint opinions on matters of direct concern to only some of the participants.

In any event, while it might seem surprising that it has taken so long to establish social dialogue in a sector that has experienced such upheaval in the last twenty years, the end of the first decade of the 2000s would seem to constitute a turning point, which may well lead this social dialogue to reach cruising speed.

JOINT TEXTS

The “audiovisual” sectoral social dialogue has resulted, since 2004, in the adoption of 3 joint texts.



Date	Title	Theme	Type	Addressee
16/04/2007	Joint position on the Green Paper "Modernising labour law to meet the challenges of the 21st century"	Working conditions	Joint opinion	European institutions
7/05/2006	Declaration. Conference: the audiovisual industry on the move. Social dialogue as a tool to tackle changing environments	Social dialogue	Declaration	European social partners
29/04/2004	Social Dialogue Committee in the audiovisual sector. Rules of procedure	Social dialogue	Rules of procedure	European social partners