



THE ARTISTS' STATUTE

More protection, more security and
improved living and working conditions
in the cultural sector

BACKGROUND

In 1980 the **United Nations Educational, Scientific and Cultural Organization (UNESCO)** approved a Recommendation concerning the Status of the Artist, in which it called upon Member States to improve the professional, social and economic status of artists, through the implementation of policies and measures related to training, social security, employment, income and tax conditions, mobility and freedom of expression.

At a strictly EU level, on 20 October 2021, the European Parliament approved a Resolution in which, among other issues, it called as the European Parliament resolution of 7 June 2007 on the social status of artists on the Member States to develop or implement a legal and institutional framework for creative artistic activity through the adoption or application of a number of coherent and comprehensive measures in respect of contracts, social security, sickness insurance, direct and indirect taxation and compliance with European rules.

In the case of Spain, on 6 September 2018 the Congress of Deputies, in a Plenary Session, unanimously approved the report by the Subcommittee regarding the preparation of a Statute for Artists and for Cultural Professionals. The text included 19 general principles and recommendations and 56 specific measures. In addition, it recognized the particularity of the work of artists and cultural and creative professionals. This recognition led the Spanish Parliament to entrust the Government with the highly significant task of developing a singular legislative treatment in the laws regulating the conditions for engaging in an artistic activity.

The Government of Spain undertook the legislative commitment of developing the recommendations contained in the Report submitted by Congress, subsequently including the development of the Artists' Statute in the Recovery, Transformation and Resilience Plan as a specific reform.

The Inter-ministerial Committee for the development of the Artists' Statute was created in July 2021, through Royal Decree 639/2021 of 27 July. This is an inter-ministerial body attached to the Ministry of Culture and Sports and involving the Ministry of Labour and the Social Economy; the Ministry of Finance and the Civil Service; the Ministry of Education and Vocational Training; the Ministry of the Presidency of the Government, Relations with Parliament and Democratic Memory; the Ministry of Inclusion, Social Security and Migration; the Ministry of Universities; and the Ministry of Economic Affairs and Digital Transformation as an observer (guest).

At the Committee's first meeting, held on 22 September 2021, it agreed to create working groups for the following four areas—taxation, employment, social security and education—which proposed initiatives to be studied, assessed and subsequently approved.

The methodology adopted by the working groups was characterized by their collaboration with the cultural sector from the outset, which facilitated the work of explaining, understanding and discussing the issues raised in each case. This work also facilitated the updating of the recommendations and measures envisaged in the Report prepared by the Subcommittee of the Congress of Deputies and the proposal of new needs to be accommodated.

The approval of the different legislative reforms comprising the Artists' Statute represents the recognition, for the first time in Spain, of the cultural exception. This entails the settlement of a debt with a sector that is characterized by the intermittent nature of its activity, which needs to be properly recognized and regulated.

MEASURES AGREED AND APPROVED

The four working groups created by the Inter-ministerial Commission have held more than 90 meetings. Associations and entities from the cultural sector have participated in many of them in a very active and constructive manner.

The main measures agreed are as follows:

Employment

- Creation of a fixed-term work contract for the arts sector that takes into account the intermittent nature of activity in this sector and requires substantiation both of the need to hire a specific worker and the temporary nature of the contract signed with them.
- Updating of the concept "artists engaged in public shows", adapting it to the current reality of "cultural activities in the field of the performing arts, audio-visual productions and musicals".
- Inclusion of technical and auxiliary professionals working on cultural events.
- Inclusion of new cultural realities, new formats and channels of dissemination: web environments, streaming, online exhibitions and podcasts.
- Creation of a specific unemployment benefit for artists, adapted to the intermittency of their activity.

This will enable workers, who—due to the characteristic intermittency of their activity—are unavoidably forced to alternate periods of employment with periods of inactivity, to access the contributory unemployment benefit.

This will favour the construction of more dignified working lives, as more contributions mean greater social protection.

Protecting those who create culture makes us freer, wiser and happier

There will be two access routes to the unemployment benefit for artists and cultural technicians:

- 1 | Substantiation of the actual provision of services during 60 days within the 18 months prior to becoming unemployed.
- 2 | Payment of insurance contributions during at least 180 days within the six years prior to becoming unemployed.

The duration of the benefit will be 120 days and the amount will be between 80% and 100% of the Public Indicator of Income for Multiple Effects (IPREM), depending on the contribution made.

- Creation of a committee to promote the evaluation and recognition of certain occupational diseases deriving from specific cultural sector activities. This committee will be formed by representatives from the competent ministries, trade union organizations and business and other representative organizations of the cultural sector, as well as other collegiate bodies of health professionals with competences in the matter.

Taxation

- Updating of the Economic Activities Tax (IAE) headings. The classifications for tax purposes of the different cultural activities in the existing headings have been revised, improving the definitions of some and creating new ones in consideration of their particular nature, including, for example, in the case of writers, musical composers and scriptwriters.
- Reduction of personal income tax withholding rates from 15% to 7% for artists earning less than 15,000 euros per year. This applies both to work income and to professional activity income.
- Reduction of the personal income tax withholding rate for artistic contracts from 15% to 2%.

Social Security

- Updating and expansion of the regulations governing the compatibility of receiving a retirement pension with the undertaking of artistic activities and the enjoyment of intellectual property rights.

In addition to creators, performers have also been recognized in this regard, and with respect to all artistic activities that generate intellectual property rights.

This compatibility has also been extended to recipients of non-contributory pensions, including disability pensions, thus extending the measure to the most vulnerable sectors.
- Reduction of rates for self-employed artists who earn an annual income of less than €3,000.
- Creation of a working group to study the adoption of specific measures for the recognition of intermittency in the sphere of work and social security for self-employed artists and cultural workers. This group will be formed by representatives from the Ministry of Labour and the Social Economy; the Ministry of Culture and Sport; and the Ministry of Inclusion, Social Security and Migration, as well as trade union and business organizations and other representative organizations of the cultural sector.

Education

- Revision of the educational options in terms of professional training and the development of artistic education as a whole to adapt it to the needs of the sector.
- Draft Bill on artistic education prepared by the Ministry of Education and Vocational Training, which includes many of the contributions and suggestions previously made by the cultural sector, including the incorporation of training in audio-visual skills into the catalogue of higher artistic education options.
- In Vocational Training, the training of technicians for live shows is being separated from that of technicians for the audio-visual sector.
- Professional profiles are being reviewed to adapt them to the particularity and reality of the sector.
- Recognition of two new professional qualifications to be developed: lifting and suspension of loads on stage, and video in live shows.

Justice

- Recognition of the *locus standi* of professional cultural associations for the legal defence of their interests and rights, both individually and collectively. This has been incorporated into the comprehensive reform of the Civil Procedure Act in the sphere of collective actions.

Respecting culture
and those who
make it possible

Creators, interpreters and technicians

LEGISLATIVE REFORMS

COMPRISING THE LEGAL FRAMEWORK OF THE ARTISTS' STATUTE

- Royal Decree-Law 5/2022 of 22 March, adapting the special regime governing the labour relationship of persons 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-Law 1/2023 of 10 January, on urgent measures regarding hiring incentives and improved social protection for artists.
- Royal Decree 31/2023 of 24 January, amending the Personal Income Tax Regulation, approved by Royal Decree 439/2007 of 30 March, to comply with the measures contained in the Artists' Statute regarding withholdings.
- Act 31/2022 of 23 December, on General State Budgets for 2023 (articles 66 and 69).



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