

The lack of special arrangements for very short term posting will jeopardise touring of performances and be detrimental for the live performance sector

Statement of Pearle\*-Live Performance Europe ahead of the vote in EMPL Committee on 16 October 2017

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Pearle\*-Live Performance Europe has taken note of the proposed compromise amendments for vote on 16 October in the EMPL committee. Representing over 10 000 enterprises in the music and performing arts sector, Pearle\* notes that **the European Parliament fails to take into consideration the impact of the Commission proposal on highly mobile sectors, such as the music and performing arts sector, which will lead to disproportionate administrative burdens related to VERY SHORT TERM POSTING.**

**Touring companies in the live performance sector, will no longer be able to handle in an appropriate manner all the administration that results of compliance with the new rules. Consequently tours are expected to be cancelled and jobs will be lost.** As a result, millions of disappointed citizens across Europe will no longer be able to listen and see the rich offer of performances which are shown in theatres, concert halls, at festivals and so-forth.

Touring of performances outside the resident country is one of the core aspects of the live performance sector. An orchestra, theatre or dance company that goes **on tour for one or a few days** to another country will be faced with an impossible task to deal with all the **disproportionate administrative burdens** and extremely difficult calculations (for as minimum as a half day of posting) to undertake a performance outside the resident country. Those organisations are SMEs, whose small capacity of staff cannot deal with such high amount of paperwork per person and per performance abroad. **It can easily concern several thousands of postings per year for a touring company.**

Furthermore it is highly questionable whether the social security administrations in the member states will be able to deal with the exponentially high demand to be expected on issuing requested A1 forms in very short timeframes, if one knows that in some countries it still takes weeks to respond to a demand for an A1 form.

Pearle\* is of the opinion that when aiming to strike a balance between a level playing field in the provision of services and protection of workers, it is as much essential to also strike a balance between the amount of administration and the length of very short term posting by highly mobile sectors. Pearle\* therefore regrets that **the draft report has failed to formulate solutions, support or instruments to accompany enterprises in case of very short term posting for numerous persons.** The result will be that the new measures will have detrimental effects on business and jobs.

In view of the proposed compromise amendments for vote on October 16th Pearle calls upon the EMPL committee to **reject compromise amendment E**, as *the amendment creates a high level of legal uncertainty and would lead to even higher complexities of compliance.*

PEARLE\* - Live Performance Europe, is the European employers' federation of music and performing arts organisations. Pearle\* represents through its members associations the interests of more than 10,000 live performance organisations across Europe (such as theatres, theatre production companies, bands and music ensembles, orchestras, opera houses, ballet, dance companies, festivals, concert venues, producers, promoters, agents, comedy, variété, circus, event suppliers and others). The Live Performance sector is the biggest employer of the cultural industries with over 1,2 million employees.