



**BUNDESVERBAND BILDENDER
KÜNSTLERINNEN UND KÜNSTLER**

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Yes, but...

BBK welcomes draft guidelines on collective agreements regarding the working conditions of solo self-employed persons – with reservations

On the occasion of the initiative of the Directorate-General for Competition of the EU Commission, the BBK Bundesverband has already acknowledged in 2021 that the EU Commission is working on guidelines to enable collective agreements on the improvement of the working conditions of solo self-employed persons under EU competition rules. The BBK Bundesverband welcomes the fact that, with the "Draft guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons" now presented, this intention does not only apply to solo self-employed workers who work for digital platforms. If adopted, this guideline may contribute to improving the minimum standards of working conditions for all those solo self-employed workers whose negotiating situation meets the conditions defined in the draft.

The BBK Bundesverband also welcomes the fact that the EU Commission provides in the guideline not to take action against national collective agreements that strengthen the economic situation of authors or performers. This applies in particular to the implementation of the EU Commission's Copyright Directive into German copyright law, which established a direct remuneration claim for authors and performers for the digital use of works.

Nevertheless, the BBK, EU's largest professional association for visual artists with more than 10,000 members, regrets that the applicability of the guidelines in the version presented is linked to conditions that exclude a large proportion of solo self-employed artists from the intended progress of the guidelines. On average, artists earn the lowest incomes; in some cases, they are even denied

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compensation for their services at all, and they are predominantly paid far below the minimum wage. Artists are always in a weak negotiating position vis-à-vis their counterparts, most of whom, however, are not themselves strong actors in the sense of the Guidelines. Only a few of artists' counterparts employ 10 or more workers or achieve an annual turnover of more than 2 million euros. This is especially true for the sponsors of exhibition centers in the municipalities or in the federal states and the non-governmental museums.

Unfortunately, this everyday constellation for artistically active solo self-employed persons is not taken up by the guidelines. However, artists deserve to experience an improvement in their working conditions through collective agreements for minimum standards reached by their professional representatives.

This is why the BBK had voted for Option 4 in the 2021 initiative of the Directorate-General for Competition of the EU Commission, which would have made such collective agreements in the arts sector possible. It would have been desirable to have a binding EU requirement enabling all solo self-employed artists to introduce minimum standards for working conditions under competition law.

As things stand at present, artists are then dependent on enforcing national collective agreements with the help of strong professional representations. However, if this does not succeed and the guideline remains as it is, artists will continue to be exposed to the reality of precarious remuneration conditions and the associated poverty in old age.¹

The BBK will work intensively to ensure that the working conditions of solo self-employed artists are fundamentally improved at both the European and national levels, particularly in the context of the implementation of the Copyright Directive, and that minimum standards are bindingly regulated to ensure remuneration for artistic services.

¹ Priller, Eckhard, Von der Kunst zu leben – Die wirtschaftliche und soziale Situation Bildender Künstlerinnen und Künstler, Hrsg. BBK Bundesverband, 2020, ISBN 978-3-00-066999-6