

# The Ultimate Cookbook

FOR CULTURAL MANAGERS

CONNECTING THE EU DIGITAL STRATEGY  
WITH LIVE PERFORMANCE ORGANISATIONS

DECEMBER 2023

**NOTICE**

No part of this publication may be reproduced without clear reference to the source. For further information, please contact EFA & Pearle\*

**DISCLAIMER**

The contents of this publication are subject to changes in the law. The reader is advised to always check the latest sources and information.

This publication is part of the EFA Revealing the Alliance project implemented with the support of the Creative Europe programme of the European Union. This publication reflects the views only of the author and the Commission cannot be held responsible for any use which may be made of the information contained herein.

**ISBN**

9789464335675



**Co-funded by  
the European Union**

# Info on EFA Revealing the Alliance 2021–2024

**Revealing the Alliance – Step 1 2 3** is the Creative Europe Network programme of the European Festivals Association (EFA) that runs from 2022 to 2024. Festivals are a strong feature in Europe's cultural DNA and the continent's artistic landscape. This project will encourage the scaling up of Europe's cultural sector thanks to festivals.

Revealing the Alliance aims to initiate, consolidate, and disseminate a trans-sectorial and interactive European Festivals Alliance by, for and through festivals. Building on its work over the past seventy years, the project offers a platform for festivals' development and interaction with cities and businesses to implement the "European Festivals Alliance 70-Years-On Agenda". During EFA's annual Arts Festivals Summit and other meetings, festivals and their stakeholders organised in sub-communities will reflect and act jointly, equipping festivals with new models for intersectoral work. Each year will focus on a new thematic priority: Environmental sustainability; innovation, co-creation, and the use of public spaces; access to culture, inclusion, gender balance, audience development. The ultimate results of Revealing the Alliance are to grow sub-communities, alongside their identification with and ownership of the Alliance through networking, capacity building, collecting, and disseminating knowledge and practice, advocacy and communication. EFA teams up with The Festival Academy, Pearle\* and A Soul for Europe.

## **EFA / Pearle\* partnership**

In the frame of the EFA Revealing the Alliance, EFA teamed up with its partner Pearle\*-Live Performance Europe to improve general knowledge of the legal and managerial aspects of cross-border cultural cooperation.

The partnership on capacity building encompasses workshops, booklets, infographics, and recorded sessions in the context of internationalisation, cross-border cooperation, mobility and as a consequence of international developments.

## **Author**

Pearle\* team members

## **Editor**

Anita Debaere, Director, Pearle\*- Live Performance Europe,  
Square Saintelette 19, B-1000 Brussels, tel. +32-2-203.62.96, [www.pearle.eu](http://www.pearle.eu)

## **Layout**

Milton Pereira

## **Proofreading**

Cristina Ward

## **Publisher**

EFA- European Festivals Association,  
Square Saintelette 17, B-1000 Brussels, tel. +32-2- 644 48 00, [info@efa-aef.eu](mailto:info@efa-aef.eu), [www.efa-aef.eu](http://www.efa-aef.eu)

## **Cover photo**

Scottish Ballet's Coppélia by Jess & Morgs at Edinburgh International Festival 2022 © Jassy Earl

# Table of Contents

<b>Prologue</b>	<b>07</b>
<b>Introduction</b>	<b>08</b>
<b>The EU Strategy on Digital</b>	<b>10</b>
The early days: the shift to a digital society	11
The first Digital Agenda (2010-2020)	11
The Digital Decade (2020-2030)	12
Towards climate neutrality with the help of digital tools?	13
<b>Organising live performances in the digital age: Obligations and opportunities</b>	<b>16</b>
The Digital Services Act: new rules for online platforms to better protect consumers	16
Data protection under the GDPR	19
The Digital Product Passport and environmental sustainability	20
<b>Being present online: Questions about digital inclusion and copyrights</b>	<b>23</b>
Creation of online performances and streaming	23
Copyright clearance online	24
Web Accessibility: Becoming more inclusive	27
<b>Using Artificial Intelligence: Machine-generated content in live performance</b>	<b>30</b>
Unravelling AI	30
The AI Act: Exploring the fields of interest to live performance organisations	31
<b>Cross-border cooperation and mobility: The role of digitality in facilitating administrative procedures</b>	<b>39</b>
Digital identity or the eID	40
The specific initiative on the digitalisation of social security	41

The very valuable EHC for anyone staying temporarily abroad	43
The digitalisation of the Schengen visa procedures and of ETIAS	44
VAT in an online cross-border context	46
<b>Going digital: EU funding opportunities</b>	<b>48</b>
Funding for Digital in the 2021-2027 Multiannual Financial Framework	48
<b>Summary</b>	<b>53</b>
<b>Relevant Commission's initiatives mentioned in the booklet</b>	<b>54</b>
<b>Useful addresses and links</b>	<b>57</b>
<b>Glossary</b>	<b>57</b>
<b>About EFA</b>	<b>58</b>
<b>About Pearle*</b>	<b>59</b>

Let's **connect digital**  
with live performance,  
in a smart way!

# Prologue

**The European Festival Association (EFA) and Pearle\*-Live Performance Europe** have teamed up to improve general knowledge of the legal and managerial aspects of cross-border cooperation - first through the RISE project funded by the European Union's Creative Europe Programme from 2014 until 2017, followed by the EFA RISE 2 project from 2017 to 2021 and finally the project **Revealing the Alliance 2021 – 2024**, also funded by Creative Europe.

In 2015 EFA and Pearle\* began to organise a series of seminars and practical workshops under the experienced guidance of legal and academic experts. They covered a wide range of issues which either had a cross-border dimension or were of common interest to many cultural managers across Europe. Participants were invited to formulate their questions in advance. This area of activity led to the creation of the cookbook series in which theoretical approaches and practical cases sit side by side with suggestions for solutions.

The series continues under Revealing the Alliance. While also exploring new horizons, we continue to address the topics of sustainability and digitality, without a doubt the most urgent matters globally and of utmost importance to all organisations, festivals, artists, and managers working in the cultural sector across Europe and the world.

Inside this “cookbook” you will find all the necessary ingredients as well as several recipes for cooking this “digital” dish. As with all dishes you can add spices, flavours, or other ingredients, depending on your taste and needs.

Last but not least, we would like to thank Pearle\* and EFA members for sharing their practical experiences as well as the EFA and the Pearle\* team for their insights.

# Introduction

The core of a live performance is the creation of a collective experience that audiences can watch and perceive with all their senses. It is rooted in real life and can establish a sense of belonging for those who are present at the event.

One might want to call the experience of a live performance captivating, engaging, or even immersive. The latter term has been taken over by the online world, as it describes a digital space that surrounds the audiences so that they can fully absorb the environment in which they are and be part of the experience.

So, while live performances are deeply anchored in real life and provide a common experience to all those physically attending the event, digital events can complement those live experiences and, at best, open new, sometimes experimental, rooms for audiences.

As we will see in this cookbook, digitality is not only linked to artistic performances and audiences' experiences. In today's world, it influences all areas of work in the live performance sector – be it selling event tickets, widening the accessibility for various audiences, or working cross-border.

In this cookbook, we will touch upon a wide variety of topics linked to the digital world and explore in which way they influence artistic creations and our way of working today. Of course, virtual means and digital tools entail opportunities and challenges, and we will investigate the responses and solutions the European Commission provides today to face the “Digital Decade”.

This cookbook will help you better understand the EU Strategy on Digital, one of the priorities of the European Commission (2019-2024) – and what it has to do with your day-to-day work. We will explore policy and regulatory issues regarding the digital transformation of the live performance sector in the organisation of work, administrative and technical processes, and as regards the inclusion of audiences. Copyrights and Artificial intelligence are also covered as they are key topics in the digital environment. Finally, we will investigate opportunities to fund digital projects which will widen professional perspectives and open new rooms for your organisation.



Starting  
with the basics  
and discovering  
**EU digital policies.**

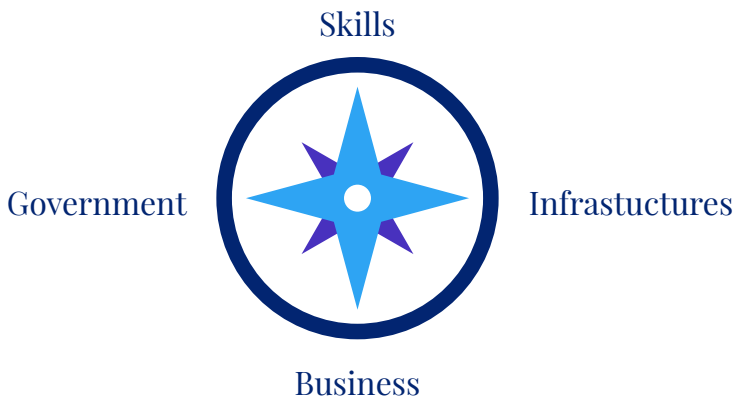
# The EU Strategy on Digital

Today, the digital transformation of our societies is at the heart of Europe’s aspirations. Digital technologies brought ground-breaking changes in the way we live and work. Think of all the day-to-day activities we can do online: shopping, finding our way, consuming news, exchanging with friends, accessing tools and apps, and working together.

In this sense, it is not a coincidence that in 2020, European political leaders proclaimed a “Digital Decade”. But what does that mean concretely?

The Digital Decade does not only describe the times we are living in, it also comes with political goals for the European Union. It can be translated into concrete objectives that should be achieved by 2030, such as all businesses going digital; citizens having the skills to use online services; digital infrastructures being created so that we can all be connected; public services being developed to let us have access to an e-ID and our medical records.

The European Commission calls it the **Digital Compass**:



Now, let’s jump back in time and unravel how the European Commission started to take action on digital transformation.

## The early days: the shift to a digital society

With the new millennium – in 2000 – the European Commission looked for the first time into a relatively new phenomenon: electronic commerce, also called e-commerce. For citizens, it simply translates into online shopping. At that time, the Google search engine was just born and gave new online businesses the opportunity to advertise their products online.

E-commerce gave new impetus to the European idea of a common market, also called the single market, in which goods and services can cross borders and move freely, and people from all corners of the EU have access to them. The internet opened new doors to help achieve the concept of a common market.

It took a decade for the EU to jump on the bandwagon and develop the “Digital Agenda for Europe” in 2010. And it wasn’t until 2015 that it pushed for a “Digital Single Market” which – in the same way as traditional trade paths – was intended to remove national barriers from online transactions.

## The first Digital Agenda (2010–2020)

The principal focus of this decade – starting in 2010 – is the growth potential of the digital economy. The European Union investigated ways to create an environment for digital networks, businesses, and services to flourish, and to develop the infrastructure so that people could have easier access to the Internet.

For European citizens, it meant improved access to digital goods and services, better consumer protection online, and new privacy and data protection rules.

At the end of the decade, towards 2020, the EU tackled more consumer-related problems such as cybersecurity, privacy and data protection issues, or roaming charges, which disappear in the EU. To allow online shopping and cross-border sales, the EU put an end to unjustified geo-blocking, which refers to restricting access to online content depending on the user’s geographical location. The EU also made it possible when you pay or subscribe for an online service, to take its content with you when you are travelling within the European Economic Area<sup>1</sup>; this can be an e-book, music, or video games. This is called the “portability of online services”.

By the end of this decade (2010-2020), the digital single market has advanced, user rights are in place, and the data of consumers and businesses are better protected when shared in the online world.



Time for the next step!

1. The European Economic Area includes all EU countries and the EFTA states Iceland, Liechtenstein, Norway and Switzerland.

# The Digital Decade (2020–2030)

In the so-called “Digital Decade” – and we are right in the middle of it – the EU goes one step further: Digital policies become one of the core priorities of the European Commission. Why? Because our present times are deeply characterised by digital transformations. New technologies, new digital services, the advanced use of data, blockchain and artificial intelligence introduce profound changes in our society. Europe wants to set new technology standards. At the same time, Europe does not want to lose sight of citizens in society when shaping the world of tomorrow: they must be digitally empowered, while highly skilled digital professionals are needed to keep up with technological changes.

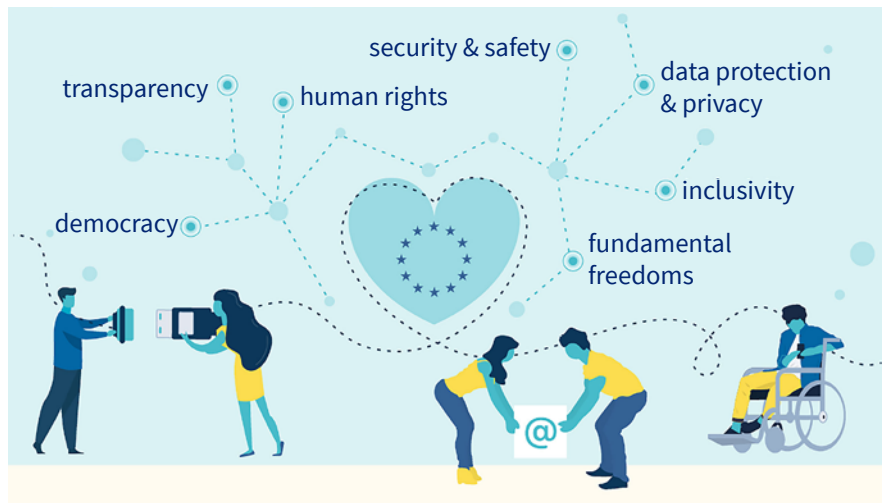


## What else is on the agenda?

There is yet more to come: in the context of digital transformation, the European Commission is also tackling the creation of a safer digital single market. This includes uniform rules for businesses and online platforms, and the protection of fundamental rights of citizens in the digital world. We will come back to this topic, namely to the Digital Services Act, when discussing digital services offered by live performance organisations.

The EU also upholds its values when implementing the Digital Decade, such as democracy, transparency, and fundamental rights.

### EU values at the heart of the digital transition



Infographic - Towards a digital Europe

Finally, the EU also wants to advance in digital infrastructures and is busy with creating e-identities for its citizens. With a focus on e-government and cross-border cooperation of public services, mobility-related issues of professionals working abroad could become much easier in the future.



### In short...

**The European Commission's focus is manifold: technologies and infrastructures; businesses and public services; citizens and professionals – to fully transform into a digital society.**

So, yes, the tasks and working areas are huge and complex – and it doesn't come as a surprise that the European Commission has called its comprehensive policy programme to set out its ambitions for 2030 a "Digital Compass".

In this publication, we will look into some of the relevant parts of this European compass, which will help the live performance sector maintain focus in the future and digitally thrive.

## Towards climate neutrality with the help of digital tools?

The Digital Agenda of the European Commission is closely linked to another EU priority: sustainability and the goal to become climate neutral by 2050.

The idea is to use digital technologies to reduce the carbon emissions of various sectors.

At the same time, the digital sector's carbon emissions are to be reduced, too. Today, its impact on the environment and the climate is often not considered, assuming that digital means are more energy efficient and can better help reduce harmful emissions, compared to traditional ways of working.



**So, the question is: can the digital transformation of society reduce greenhouse gas emissions in a substantial way and contribute to sustainable living?**

We know about the negative environmental impact of the digital shift: the use of energy, water, land, and resources such as rare metals, our ICT consumption and production. As a result, opinions and research differ in their evaluations and assessments of how digital transformations impacts the environment. Measuring remains difficult and there is no European or international standard method for assessing the impact of the use of digital products and means.



## The role of Member States: national digital decade roadmaps

Having European goals on the digital decade sounds good – but how will those goals be reached in practice? To do so, the EU needs the help of the Member States. At the end of September 2023, the European Commission published its 2023 report on the state of the Digital Decade with recommendations to Member States. In autumn 2023, EU countries also started to adopt their national Digital Decade roadmaps which outline how to implement their digital objectives. Concretely, together with the European Commission, they will develop Key Performance Indicators (KPI) to measure the progress they made in the four priority areas: connectivity, digital skills, digital business, and digital public services.



## ... and what about the live performance sector?

Live performance organisations today are impacted by the digital transformation such as other sectors.

Websites, social media platforms, online news, and other digital tools give visibility to venues and live events; we all remember the times of Covid-19 when the performing arts went online to keep in touch with audiences and give support to society in troubled times.

In general, administrative processes continue to shift online, with the hope that red tape can be cut, for instance when organising touring activities abroad.

And digitality doesn't stop at the artistic work which today can be enriched – and challenged – by online and virtual means. Just think of discussions around artificial intelligence and the place of authors and artists. Digital means facilitate work processes in all kinds of ways, for example when selling tickets online. They allow us to interact with audiences and get better information about target groups for live events.

Reading this cookbook, you will get an overview of the most important digital subjects relevant for our sector in relation with EU legislation.

Let's now explore  
how the digital **plays a role**  
in connection to production  
and promotion.

# Organising live performances in the digital age: Obligations and opportunities

Organising and managing the production of live performances has changed tremendously in the last decade: firstly, due to the impact of digital programmes and tools and secondly, because of European and national legislation that aims at including the digital space, its technologies and human action online, into our legal framework.

On the one hand the flow of online data and information has changed our perception of what needs to be protected and on the other has opened the door to access online information.

In this context, we would like to highlight three major European legislative initiatives which are essential when dealing with audiences, selling services online and accessing technical information about products and their supply chains in order to get more insight into their ecological footprint.

## The Digital Services Act: new rules for online platforms to better protect consumers



### In a nutshell: The Digital Services Act

The Digital Services Act (DSA) – together with the Digital Market Act (DMA) – form a single set of rules primarily for online intermediaries and platforms, that apply across the EU and set standards for their accountability regarding illegal content.

The legislative package aims to protect the digital space against the spread of illegal content and services.

The rules specified in the DSA are there to provide better protection for internet users and concern first and foremost online intermediaries and platforms. For example, online marketplaces, social networks, content-sharing platforms, app stores, and online travel and accommodation platforms.



The Digital Markets Act includes specific rules for so-called “gatekeepers”. Gatekeeper online platforms have a systemic role in the internal market and function as a gateway between businesses and consumers for important digital services. Think for example of global companies such as Meta, Alphabet (Google), Amazon, Apple, and Microsoft.

For live performance organisations, the DSA is of specific interest, as we will see in the following part of this chapter.

The obligations introduced depend on the nature of the services and the number of users. In general, online platforms must take measures to protect users from illegal content, goods and services and create a safer space for those users.

The DSA will impose a duty of care on marketplaces (such as eBay or Amazon) vis-à-vis sellers who sell their products or services on their online platforms. Marketplaces will in particular have to collect and display information on the products and services sold to ensure that consumers are properly informed.

To increase transparency, digital service providers will need to incorporate better and more accurate information about how their tools work, to keep consumers informed about how their data is used.

The DSA overhauls the E-commerce Directive (2000/31/EC) and is applicable to all companies selling products or providing services within the EU, even if they are based outside the EU (under the E-commerce Directive, European law did not apply to websites based outside of the EU).



## ... and what about the live performance sector?

Where and when is the DSA important for live performance organisations? For years, the live performance and music sector has faced serious problems with exploitative ticket reselling, in particular for rock/pop music events, but also for festivals and opera houses. Non-authorized platforms and online traders have created a parallel market on which they sell tickets for much higher prices than face-value to the detriment of consumers, artists, and event organisers.

Some principles which are now implemented through the Digital Services Act can be of help to consumers and organisations in the live performance sector when dealing with secondary ticketing platforms and traders. There is quite some jargon here, but they refer to more transparency and fairness allowing for better protection of consumers and bona fide sellers of tickets.

- **Responsibility of online platforms/marketplaces:**

Online marketplaces have to ensure that consumers can purchase safe products or services online, by strengthening checks to prove that the information provided by traders is reliable (“Know Your Business Customer” principle) and making efforts to prevent illegal content appearing on their platforms, including through random checks.

- **Removal of illegal content online, including products, services:**

A clearer “notice and action” procedure where users (such as organisers, venues, festivals) are empowered to report illegal content online, and online platforms have to act quickly.

- **Manipulating users’ choices through “dark patterns” will be prohibited**

Online platforms and marketplaces should not nudge people into using their services, for example by giving more prominence to a particular choice or urging the recipient to change their choice via interfering pop-ups.

In general, when providing information on a website, the company, service provider or organisation has new transparency obligations to create a safer online space for consumers. This means:

- **New transparency obligations** for platforms to allow users to be better informed about how content is recommended to them (recommender systems) and to choose at least one option not based on profiling.
- **Online advertising:** users can better control how their personal data are used. Targeted advertising is banned when it is based on the collection of personal and sensitive data (e.g. based on age, gender, sexual orientation, religion, ethnicity).



## Good to know

### The role of the Digital Services Coordinator

If your organisation faces problems with online platforms selling wrongfully live event tickets online, we strongly recommend getting in contact with your national **Digital Services Coordinator** that will be operational as from 17 February 2024. This is a designated authority dealing with digital matters under the new **Digital Services Act (DSA)** – with the aim to act quicker on the appearance of illegal products, content, and services online. It is a kind of single contact point for citizens, businesses, and organisations. The Digital Services Coordinator also exchanges with other Member State authorities in the EU information about digital topics such as piracy. This can be helpful when illicit tickets appear on the website in another country.

## Data protection under the GDPR

The European General Data Protection Regulation (GDPR) applies throughout the EU since May 2018 and aims to strengthen individuals' fundamental rights in the digital age and give them better control over their personal data. It also clarifies rules for companies and public bodies in the digital single market.

The GDPR applies to all sectors, SMEs are exempted from a number of rules.



### ... and what about live performance organisations?

Live performance organisations should know about these data protection rules as they deal with the personal data of their audiences, and sometimes of children.

Most importantly to know for public bodies is that they need to appoint a data protection officer (DPO) under the GDPR. A group of organisations in the public sector can also share a DPO. Private companies in the live performance sector do not fall under this provision. When your organisation is a SME or micro enterprise, you are exempt from the obligation to appoint a data protection officer.

Data protection officers are responsible for managing data security (including cyber-attacks) and other critical business continuity issues specific to the holding and processing of personal data.

They have to notify the responsible supervisory authority in their country in case of personal data breaches, i.e. when data is hacked. They also need to communicate all high-risk breaches to the data subject as soon as possible.

Organisations that need to appoint a DPO can appoint their own employee. This is not obligatory and the DPO can also be an external expert.

Other topics to be kept in mind are:

- Reporting of data breaches
- Transparent information to citizens when you collect their data
- Specific protection of minors under the GDPR
- Getting consent of citizens when you use their data
- Allow citizens access to their personal data if requested

This overview provides information about which data protection rules are of importance depending on the nature and size of an organisation:

	Public bodies in the live performance sector	Private companies in the live performance sector	SMEs and micro enterprises
Data protection officer (DPO)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> NO
Report data breaches	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO (only if there is a high risk)
Keep record of data processed	<input checked="" type="checkbox"/> YES, if more than 250 employees	<input checked="" type="checkbox"/> YES, if more than 250 employees	<input type="checkbox"/> NO
Consent for children's data	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Allow citizen access to data	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES, where requests are manifestly unfounded or excessive, SMEs can charge a fee for providing access
Consent of customers to use data for a specific purpose	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES

## The Digital Product Passport and environmental sustainability



### In a nutshell: the Digital Product Passport

The Digital Product Passport is a new tool to be introduced in the coming years for a wide range of products in the EU to provide information about a product's environmental sustainability.

The idea of DPP was outlined in the Ecodesign for Sustainable Products Regulation (ESPR) adopted in March 2022 which aims to make durable and repairable products the norm in the EU single market.

The ESPR expands the existing ecodesign rules, which currently only apply to electric and electronic devices. The new DPP should be available for products in around 30 categories. The implementation timeline spans from 2026 to 2030. As an example, from 2026, industrial and electric vehicle batteries must come with a digital product passport. Data must be provided on the carbon footprint, material sourcing, the percentages of recycled materials used in the battery, and its durability. Recycling guidelines must be provided too.

Today, companies often don't have comprehensive information about all materials used in their products. They will be required to collect all relevant information about the full supply chain, from the raw materials to the different components.

In this way, the DPP will enhance the end-to-end traceability of materials used in products and help to close data and information gaps across the global supply chain. Consumers get relevant information about the ecological footprint of a specific product and can make informed choices. Practically speaking, they would get information about a product via a QR or a bar code.



## ... and what about live performance organisations?

In the live performance sector, DPP in the area of textiles and stage technology (such as stage lighting and sound systems) will be of high interest.



## Why?

**Firstly:** as organisations will receive valuable information about the ecological footprint of a product, it will help them calculate their own carbon footprint and ecological impact.

**Secondly:** it will make it easier for organisations to comply with the sustainability requirements of local, regional, or national authorities, because the DPP will provide more detailed information about the different components of products used for live events.

Now,  
take a deep breath  
for an **immersion**  
into copyright-related  
topics!

# Being present online: Questions about digital inclusion and copyrights

## Creation of online performances and streaming

Since the Covid-19 pandemic, we have seen new communication and interaction methods. We are now used to remote working, video calls, and staying home to consume online creative content instead of physically going to another place.

Nowadays, we can see an opera on stream while sitting on our sofa at home, with our family or friends, or just by ourselves.

Let's remind ourselves about the terminology used and be clear about what streaming means.



### In a nutshell: A few useful definitions

When we talk about streaming, or streamed performances, we mean the transmission of audiovisual material, so concretely: of a live event, over the internet to our audiences.

We distinguish two main ways of streaming:

- **Streaming of a live event recorded and made available online afterwards.** This may involve audiovisual production and entail a different creative process than in case of a direct live streamed event. This can be put on the (web) platform of an organisation or a more dedicated streaming platform (such as Youtube, Spotify, ...)
- **Streaming of a live event in the moment it happens and attended by an audience simultaneously at the venue and online.** Because of the simultaneity of the live aspect, there is only limited manipulation possible.

A streaming activity potentially reaches an audience that can choose when and where to enjoy an online performance. It also gives access to culture to people who are unable to enjoy a performance on site: for example, those living in remote or rural areas or in more distant countries or people with special needs.

Therefore, online performances and streaming allow to broaden the audience of live performance organisations and include a much wider group in society.

One of the core topics when dealing with the setup of online live performances and streaming is linked to copyright clearance and the question of how best to respect and recognise the work of performers and other collaborators involved in the making.

## Copyright clearance online

The rules for copyright clearance for the exploitation of a live event put online don't differ much from the copyright clearance process for live events. However, one thing is clear: the number of elements to be taken into consideration to ensure all rights are cleared make things more complicated!



So, when starting to prepare an online performance or streaming activity that involves copyright clearance, you best go step by step and plan ahead!



### Think about...

- **Extended budget:** Think about putting enough of your budget aside for the clearance of the rights, so that you don't end up with a costly surprise shortly before the event. It is important to have the rights cleared for online exploitation and not only the on-site event.
- **Split the different parts of copyright fees:** You might need to pay different rights on music, text, choreography, and others. Set a total share of income you can spend on royalties and think about how to best split it among different rightsholders. The share should depend on the importance of each element and its duration in the production. Make sure that every party uses the same basis of calculation for their share of rights.
- **Time management:** Start investigating early about the copyright clearance process, more concretely: with whom you must negotiate and get an agreement.
- **Know your repertoire and copyrighted material:** For the online use of works – be it music, text, video, etc. – it is important to know whether those works are published or not and whether you have to contact a publisher, a licensing hub or a collective management organisation.



- **The scope of your online event:** For which countries do you have to clear the rights? Worldwide licenses are more expensive, therefore think about your target audience and whether it is technically possible to restrict the exploitation to a specific territory on the platform where the work will be made available to the public.
- **For worldwide access to your event:** It might be worthwhile to try and negotiate a lump sum per group of territories and options with a fixed price for additional territories, allowing you to keep an overview of the costs. You are not yet sure which territories you will cover? On possible, additional territories, always negotiate in advance to clear your rights!



We invite you to check [The Ultimate Cookbook for Cultural Managers: Copyright Clearing for Live Events in an International Context](#) (published in 2021) for more information.



## ... and what about online piracy?

Streaming activities in the live performance sector have become more important since the Covid-19 crisis during which organisations developed new ways of showing performances online. Nowadays, there are subscription schemes developed for audiences interested in online streaming of events.



## What happens if someone wants to pirate your online content?

It is clear that piracy is a crime and therefore needs to be tackled. Streamed performances are of great social, cultural, and economic value. Together with the financial investments made to create an event suited for the online environment, this value as well as copyrights used in a performance, are to be protected online.

For this reason, the European Commission, at the request of the sports, audiovisual and live performance sector, decided to protect live-streamed events more thoroughly, in case the content is pirated during the streaming activity.



## In a nutshell: the Recommendation on combating online piracy of sports and other live events

In May 2023, the European Commission adopted a Recommendation on combatting online piracy of sports and other live events, including online performances of concerts, theatre plays, and other shows. While the Commission didn't want to legislate on the matter of piracy, the adopted text still gives guidelines to Member State authorities on how to better support the cultural sector in their fight against piracy and make sure that available tools and national legislation are effectively used to combat illegal activities related to online live events.

In this sense, the recommendation includes some relevant features for our sector to fight unauthorised retransmission:

- It stresses the “importance of urgent action” from providers of hosting services when live events are illegally streamed. Indeed, one needs to be able to take down pirated content immediately.
- It encourages the use of “blocking injunctions” tailored to live events.
- It should improve the cross-border cooperation of national authorities, and between organisers of live streams and online intermediaries such as service providers to better tackle unauthorised retransmissions of live events. This is important as online piracy often crosses borders and cooperation is therefore key. It is also foreseen that administrative authorities regularly exchange on the measures they apply, their challenges, and good practices against online piracy of live events.



## Attention

The focus of the EU recommendation on piracy is online live events. For other online content (i.e., audiovisual content put on the website of an archive or on YouTube to be streamed), the mechanisms to deal with piracy are different, because the time constraint is not the same as for online live events.

On piracy matters, the new Digital Services Act which is to become applicable in Member States (see Chapter 2) will also be of help. Mainly:

- In the future, users should be able to report illegal content in an easy and effective way.
- When enabled by national laws, Member States should introduce measures in national law so that their authorities will be able to order any platform operating in the EU, irrespective of where it is established, to remove illegal content.



## How to act practically in case of piracy issues?

If your organisation faces a problem with online piracy, we strongly recommend getting in contact with your national **Digital Services Coordinator**. This is a designated authority dealing with digital matters under the new **Digital Services Act (DSA)**. For more information, read chapter 2, *Organising live performances in the digital age: obligations and opportunities*.

## Web Accessibility: Becoming more inclusive

Nowadays, being present online has become an essential condition for all forms of organisations required to reach out to a broader public. For public entities and their mission to address a wide range of audiences, web accessibility has become most relevant, especially when involving persons with disabilities.



### In a nutshell: A few useful definitions

**Web accessibility** means that websites and online tools are designed and developed in a way that they provide a better experience to persons with disabilities, but also elderly people who are less accustomed to using new technologies. They can better use websites and tools, understand the proposed content, and interact with the web.

When referring to **persons with disabilities**, we include those with sensory impairments, such as auditory or visual impairment, or cognitive disabilities, that make any access to information or content on the web more difficult and sometimes even impossible.

#### *For Example*

A good example is online ticketing. When buying tickets from an online platform we go through different stages in the shopping process, such as the selection of the date and hour for the show, the seat selection and the final payment.

While this may seem a basic and almost robotic procedure, it is not always that simple to perceive the relevant information, especially for persons with certain forms of disabilities. Not being able to visualise the seat for instance constitutes an impediment to inclusion, distancing them from the activity they want to be part of in the initial stage: the acquisition of tickets.



## The Web Accessibility Directive

In the European Union, the Web Accessibility Directive aims at building a more inclusive approach to the use of the internet and mobile apps of public services. This directive has been transposed into national law in each Member State, making it a useful guide in the creation of accessible websites.

The text refers to standards to make websites and mobile apps more accessible. Such standards foresee for instance to include text information for images, or to develop websites that can be browsed without a mouse.



## Good to know

Web accessibility is included in the European Strategy on Disability 2010-2020 and the Strategy for the Rights of Persons with Disabilities 2021-2030 which builds on the UN Convention on the Rights for Persons with Disabilities.



## Now it's your turn: Have you thought about...

- Asking your website provider to make services on your website more accessible with useful tools and new standards?
- Surveying the needs of your public when using your website and making sure that all people have a good experience on your website?
- Adapting your online ticketing services to the needs of persons with disabilities and elderly people?

Diving deeper  
into **virtual worlds** now!

# Using Artificial Intelligence: Machine-generated content in live performance

## Unravelling AI

Artificial Intelligence – in short AI – has probably been one of the most debated EU policy topics in 2023. It has been around for quite a while, but controversial discussions about the use of machine-generated content have only started when computers got much better at performing more complex tasks and “copying” human activities in a wide range of domains. This can be promising or surprising, but also frightening.

Undoubtedly, all of us have used AI for years already in daily life. Examples include image analysis software, search engines, speech (and face) recognition systems, digital personal assistants on smartphones, and machine translation.

AI is also used in online advertising to target key audiences, in the safety functions of cars, and when fighting disinformation online – to name a few types of common use. It is used in the workplace – as we will explore in this chapter – including in the cultural and creative sectors, for example, to identify the author of an ancient text, to reconstruct a piece of art and even to create an artwork.

Speaking of music, did you know that AI was used to complete an unfinished composition of Ludwig van Beethoven and helped compose a new song by The Beatles of which the basis was written by John Lennon?

Given the widespread use of AI in our daily lives, in the economy, and in professional contexts, the European Commission sees AI as central to the digital transformation of society. It has therefore become a priority of the European Commission. In April 2021, the EC published its proposal for an EU law on AI. At the end of 2023 the EU institutions are in a last phase of finalising the text.



## In a nutshell: What is AI?

There is no common definition of AI at the European level. It is commonly referred to as a machine's or computer's ability to perform tasks that it has learned to do. This also includes cognitive functions which we would rather associate with human beings.

This means that with AI certain human-like capabilities can be done by machines, such as developing learning, and analysing.

Many people have mixed feelings about AI. For what reason? Probably because "AI systems are capable of adapting their behaviour to a certain degree by analysing the effects of previous actions and working autonomously," one can read on the European Parliament website<sup>2</sup>. Contrary to humans though, the computer only analyses data to do so.

Another reason for being worried about AI is the "brain" behind the machines – so, humans controlling them and deciding what they allow them to do. For certain activities and fields of action, this can imply an ethical debate and a common understanding or agreement about which tasks can be taken over by computers.

## The AI Act: Exploring the fields of interest to live performance organisations

The new EU regulation on AI focuses on strengthening rules in four areas: data quality, transparency, human oversight, and accountability. It also addresses ethical questions regarding the development and use of AI.

For providers and users who develop and deploy AI, the text sets out clear requirements and obligations depending on the impact and level of risk from AI and whether it can be harmful to citizens. The Commission divides the different uses into four levels of risk:

- **Unacceptable risk**
- **High-risk**
- **Limited risk**
- **Minimal or no risk**

The vast majority of AI systems currently used in the EU fall into the last category of “minimal or no risk”. Think for example of spam filters or video games. Those tools or apps are permitted with very few requirements.

**Unacceptable risk** AI systems are systems considered a threat to people. They will therefore be banned in the EU. They include:

- Cognitive behavioural manipulation of people or specific vulnerable groups: for example voice-activated toys that encourage dangerous behaviour in children
- Social scoring: classifying people based on behaviour, socio-economic status or personal characteristics
- Real-time and remote biometric identification systems, such as facial recognition

AI systems that negatively affect safety or fundamental rights will be considered **high-risk**. Before putting a **high-risk** AI system on the market or in service in the EU, companies must conduct a so-called “conformity assessment” and meet specific requirements to ensure the AI system is safe.

**The Commission divides high-risk systems into two categories:**

The first group refers to products that could use AI such as toys, aviation, cars, medical devices, and lifts.

The second group falls into eight specific areas which must be registered in an EU database:

- Biometric identification and categorisation of natural persons
- Management and operation of critical infrastructure
- Education and vocational training, employment, worker management and access to self-employment
- Access to and enjoyment of essential private services and public services and benefits
- Law enforcement
- Migration, asylum, and border control management
- Assistance in legal interpretation and application of the law.

Further down in this chapter, we will look into AI systems that could be used in the live performance sector and some fields which are labelled “high risk”.

Regarding the timeline of the new EU AI Act, it is estimated that it will come into force in the Member States at the beginning of 2026. The exact date depends on when the text is adopted at the EU level.





## ... and what about the live performance sector?

Live performance organisations will primarily be deployers, this means that you are users of AI systems: think of the provision of information and services to clients or audiences; they can play a role in the artistic context of a production, and they could facilitate all kinds of administrative work.

For many live performance organisations, AI is already part of their day-to-day activities. In this chapter, we will unravel the different uses and analyse the impact the European AI Act might have.

When scrutinising the European AI Act and considering professional activities in the live performance sector, the use of machine-generated content can be divided into three wider fields:

1. **Artistic creations**
2. **Development of an organisation's activities**
3. **Human resources, employment, skills**

### 1. Artistic creations

The creation of artwork is the most controversial discussion, not only in the performing arts but in most of the cultural and creative sectors. It touches on the question of copyrights as machines must learn with the input of data and material – and these are often copyright-protected. For the time being, there is little to no transparency as to which data – or to be more precise – which other creative works have been used to “feed” the computers so that they can learn and reproduce similar works.

This is one of the questions to be discussed not only at the EU level but also in international standards: whether AI-generated content has to be marked as such so that people are not misled and can make informed choices.

In the negotiations on the AI Act, the European Parliament puts an emphasis on safeguards and more transparency for the users: Generative AI systems, such as ChatGPT, would have to comply with transparency requirements. They would need to disclose that the content was AI-generated and ensure safeguards against generating illegal content. Another claim is that detailed summaries of copyrighted data used for the training of an AI tool would have to be made publicly available.



## As an organisation in the live performance sector, think about...

- Who is the author of a performance? And if AI has been used to generate an artistic work, do you need to publish this information for the audience?
- Which AI tools are used in the context of a performance, and is copyrighted material used?

AI can also play a role in the provision of subtitles and translations of a live performance.

- In the context of the new EU AI Act, the programmes and tools for artistic creations would fall under the “minimal or no risk” category, as they are not a threat to people and do not affect their safety or fundamental rights.



## In a nutshell: what about copyrights?

AI challenges the notion of authorship and breaks up the current handling of copyrighted material. There is a need for transparency when using copyrighted material with which a generative AI system was trained. However, it is very difficult to prove that an AI has been deliberately trained with specific data to imitate another author or composer.

Another unsolved question is the one about the author or the rightholder of what becomes an AI-generated creative work (such as a text, a painting, music, ...). If the author of an AI-generated work cannot be identified, this would mean that this work could not be protected by copyright under current law.

Problematic in the context of copyrights (and in the context of the creation of fake news) can be the illicit use of voices or images of artists, politicians or other famous people that appear in a movie, on TV, in interviews or somewhere else on the internet. With the help of AI systems, those voices or images can be taken out of the original context and be used for other purposes. By using voice recognition, AI can even create completely new (fake) speeches by people.

## 2. The development of an organisation's activities

### Communication

Generative AI systems can be used to work on communication activities such as the drafting of texts, booklets, announcements, social media posts, creation of posters, development of logos etc. In this way, AI creates a new way of working and at the same time shifts services that have been performed by humans to the machine and its algorithms.

While this type of automated work is not a risk factor in the context of the new EU AI Act, it raises questions about the quality assessment of this work and about responsibility and liability for the content generated.

### Archiving and documenting

One of the opportunities of AI is to handle huge sets of data. In this context, questions arose about whether AI systems can help cultural organisations archive different types of content and make them accessible to the wider public. A European Parliament study points out that “the practice of archiving and documenting helps preserve and transmit cultural heritage.”<sup>3</sup> However, the outcome of the EP’s research shows that examples of cultural organisations using AI to handle interaction with a wider public and improve access to cultural content are still rare and not commonly used in the different cultural sectors.

### Ticket selling

AI is used more and more in tools that are geared towards direct contact with consumers. In the performing arts, that includes the selling of tickets or merchandising.

In the context of illegal sales of live event tickets, online ticketing bots have been used to purchase a high number of tickets directly after their release and resell them for a higher price. As they execute automated tasks, those bots can buy tickets much faster than humans and in bulk. Since 2022, the use of those bots is prohibited under European law.

On the positive side, AI systems can also be helpful for online ticket sales. Automated ticketing systems can support customers when buying tickets and allow them to get answers to their questions in different languages – at any time of the day. This means that agents working for the ticketing platforms don’t have to follow up anymore on some (repetitive) tasks. In this context, chatbots providing quick and accurate AI-generated answers to customer questions are increasingly used.

### 3. Human resources, employment, skills

When using AI systems to process data about people in the context of recruitment processes – can the algorithm filter out the “best suited” person?

Is a computer able to analyse the performance of workers?

Can we make sure that the processing of the data is “neutral” and wouldn’t favour some parts of society?

The recruitment process and the management of workers are sensitive areas because the assessment of people might impact their further career or access to education. Think of AI tools that help determine who gets a place in a specific course or a company by using CV-sorting software for recruitment procedures.

For that reason, some specific activities in the field of human resources that use AI systems are listed as **high-risk** in the new EU legal framework on AI (see below).

What exactly falls under **high-risk** activities in the context of HR? Points 3 and 4 of Annex III of the draft AI Act give clear indications:

#### 3. Education and vocational training:

- a. AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions;
- b. AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational institutions.

#### 4. Employment, workers management, and access to self-employment:

- a. AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering applications, and evaluating candidates in the course of interviews or tests;
- b. AI intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behaviour of persons in such relationships.



## Remember

- Most of the AI systems used in the live performance sector fall under “minimal or no risk” activities.
- Questions related to copyrights, authorship, and ownership of AI-generated content are unresolved.
- AI creates new value chains and changes the way of working: actions that have been performed by humans can be facilitated by machines that take over repetitious activities or specific tasks.
- Some activities in the area of human resources and employment are classified as “high risk” in the new EU AI Act. It does not only include the handling of sensitive data but also when it determines access to education and people’s future careers.

Back to **cross-border  
cooperation**  
and the role of **digitality.**

# Cross-border cooperation and mobility: The role of digitality in facilitating administrative procedures



How does the EU digital agenda relate to cross-border mobility of artists?

In this part of the booklet, we will explain and present various initiatives in the field of cross-border mobility which encompass digital tools that help performing arts organisations in the administrative work related to social security, visa application procedures, and VAT formalities.

The European Union has made it a priority to help citizens and businesses to benefit from online tools that connect administrative government services with each other and therefore simplify and shorten the time for applications, or the transfer of documents.

First, let's have a look at the **single digital gateway**, which is one of the key initiatives of the Single Market, set up 30 years ago.



What is the single digital gateway?

It is a **Portal** facilitating online access to information, administrative procedures, and assistance services that EU citizens and businesses may need when living or doing business in another EU country. This means in reality a network of national portals.

Have a look for yourself and find out what information the [Your Europe](#) portal has to offer!

By the end of 2023, Your Europe will offer access to 21 online procedures in all EU countries, with procedures such as claiming a pension being fully digitalised and eliminating the need for paperwork. Another procedure is the transfer of documents between national authorities of different EU countries. For example, a diploma obtained in one country can be shared with the national authorities of another one, where proof is needed to work in a specific organisation or start a business.



Now let's take a look at a few specific initiatives, the first being digital identity, also called eID.

## Digital identity or the eID

One key aspect of digital public services is ensuring for each citizen a secure digital identity. A citizen who has a digital identity is able to prove who one is – or what business one owns – to online services provided by public administrations.

The basic principle: every person who is eligible for a national ID card is entitled to have a digital identity that is recognised anywhere in the EU.

Or, in other words when you have a digital identity, you can use electronic identification.



### Electronic identification (eID)

is one of the tools to ensure secure access to online services and to carry out electronic transactions in a safer way. Every person has their own electronic identification and can access a whole range of services and personal information that are stored with national authorities.

It's up to each individual to decide which aspects of their identity, data and certificates they share with third parties. In other words, the user has full control over the data that can be shared.

All this personal information is assembled in a **Digital Identity Wallet** accessible on a smartphone, an app or other devices. All EU citizens will be offered the possibility to have an **EU Digital Identity Wallet** to access public and private online services in full security and protection of personal data all over Europe. If not already in place, it will be further rolled out in all EU Member States in the next 2 to 3 years.



*Your life online: How is the EU making it easier and safer for you?*<sup>4</sup>

#### *For Example*

People will remember the Covid-pass which became operational in a digital format and could be used across the EU providing information on the vaccinations received.



4. <https://www.consilium.europa.eu/en/your-online-life-and-the-eu/#group-section-digital-ID-5R6QTIsWCq>





## ... and what about live performance organisations?

In the context of cross-border cultural cooperation and mobility such e-ID is a key instrument that makes it easier for mobile artists and others to work in different countries and have access to information on social security, taxes, medical records etc.

**Is the eID already operational?** In some countries yes, in others not yet. By 2030 all key public services should be available online, and all citizens will have access to electronic medical records. 100% of citizens should then have access to secure electronic identification meaning that they are recognised throughout the Union, enabling them to have full control over identity transactions and shared personal data.

This is legally established in the Electronic Identification, Authentication and Trust Services (eIDAS) Regulation, which provides the basis for cross-border electronic identification, authentication and website certification within the EU.

## The specific initiative on the digitalisation of social security

Anyone who has performed abroad is one way or the other familiar with the fact that it can be quite an administrative burden and a cumbersome procedure to obtain an A1 form which demonstrates that one is affiliated with the social security of the country of their residence.



We invite you to check

[The Ultimate Cookbook for Cultural Managers: Social Security in an International Context and the related infographic, published in 2021 and 2022.](#)



Over the past decade, the Commission worked intensively on the development of the Electronic Exchange of Social Security Information (EESSI). This EESSI-system interconnects, as of June 2023, around 3.400 institutions in 32 participating countries: the 27 EU Member States, Iceland, Liechtenstein, Norway, Switzerland, and the United Kingdom. It is expected to be fully operational by the end of 2024 across Europe.

This decentralised IT system helps social security institutions across the EU exchange information related to different branches of cross-border social security:

- sickness, maternity, and equivalent paternity benefits
- family benefits
- old-age pensions, pre-retirement, and invalidity benefits
- unemployment benefits
- survivor's benefits and death grants
- benefits in respect to accidents at work and occupational diseases



## Why should we know about the existence of this system?

The EESSI-system is accessible and meant for the relevant government services. It is not accessible to individual citizens or companies.

However, it benefits both groups as it will make administrative procedures quicker and more reliable for workers, citizens as well as companies or employers.

As explained at the beginning of this chapter, the **eID** will be the way one can obtain documents and check personal information in relation to social security through individual electronic access. So, whilst not having direct access to EESSI, it is thanks to a good operational EESSI system that one will be able to receive specific information in a much smoother way.

Also to be kept in mind is the explanation on the EU “Single Digital Gateway”, which requires that by the end of 2023 EU citizens will be able to access and complete 21 key administrative procedures online and obtain the result electronically. Three of these are key procedures in the field of social security coordination: applying for the Portable Document A1 (PDA1), obtaining the European Health Insurance Card, and requesting a summary of pension decisions (PDP1).

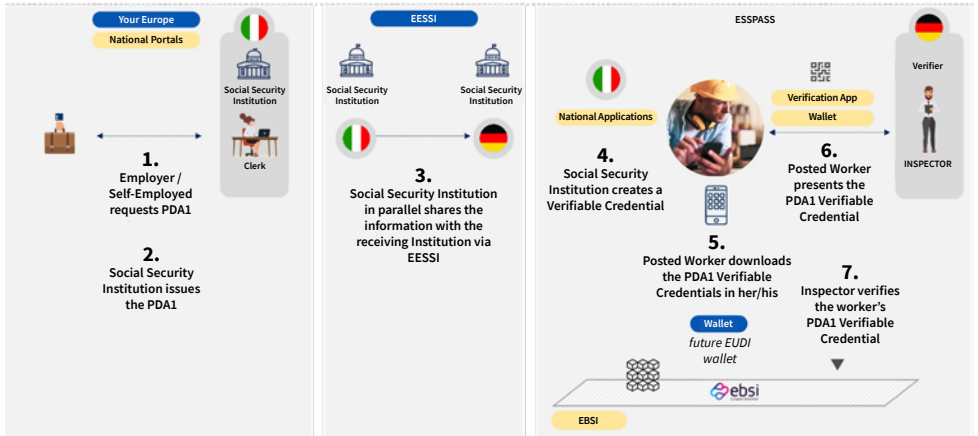


## Will we also get a specific European Social Security pass?

Initiated in 2022 and still in a pilot phase, it is hoped that in the future a cross-border worker may make use of the European Social Security pass, that allows a direct digital connection between a citizen and an institution in an EU country. More concretely the ESSpass could provide an A1 form that can be shown to labour inspectorates at any time and place.

As one will be able to have access with the eID to a digital wallet, the ESSpass will also make real time verification possible at any time and place. To make this possible, blockchain technology will be used (EBSI – European Blockchain Services Infrastructure).

The scheme below shows how the ESSpass would work



[Background document Digitalisation in social security.](#)

## The very valuable EHIC card for anyone staying temporarily abroad

Another tool and application that has already existed for several years and serves as a good practice example is the EHIC, the European Health Insurance Card. It is a free card that gives you access to medically necessary, state-provided healthcare during a temporary stay in any of the 27 EU countries, Iceland, Liechtenstein, Norway and Switzerland or the United Kingdom under the same conditions (at the same cost or for free) as people insured in that country.



### Remember: The European Health Insurance Card

- is **not an alternative to travel insurance**. It does not cover any private healthcare or costs such as a return flight to your home country or lost/stolen property,
- does **not cover** your costs if you are **travelling for the express purpose of obtaining medical treatment**,
- does **not guarantee free services**. As each country's healthcare system is different, services that cost nothing at home might not be free of charge in another country.

It is issued by an individual's national health provider.

In some countries the card is already available as an app on an individual's smartphone. In other countries it is still a physical card, which can be recognised a similar the same format on the frontside as shown [here](#).

# The digitalisation of the Schengen visa procedures and of ETIAS

In the framework of cross-border mobility, third-country nationals who need a visa to enter the Schengen area often experience a laborious application process. The EU interconnects through interoperable systems various operations in relation to third-country nationals, such as the Schengen Information system (SIS), the Visa Information System (VIS) and Eurodac. A European agency called EU-LISA coordinates and manages the data in the most secure way in the areas of freedom, security, and justice.

Thanks to the existence of these different systems Member States can exchange data and verify information, and moreover, the EU is able to develop user-friendly visa application procedures.



## Digitalisation of Schengen visa procedures for visa-required third-country nationals

Whilst not operational yet as it is only recently that EU institutions have agreed to a **new law to digitalise Schengen visas**, in the future it will be possible to apply for a visa online. This means that the digital visa will replace **the current visa sticker in a passport**.

The digital visa will make the application process easier for travellers, simplify the administrative procedure, and increase the security of the Schengen area by reducing the risk of falsification and theft of the visa sticker, for example.



## How will it work?

A third-country national will access an EU visa application platform. With a few exceptions, applications for Schengen visas will be made through this platform, a single website, which will forward them to the relevant national visa systems.

In-person appearance at the consulate will in principle only be necessary for first-time applicants, persons whose biometric data are no longer valid and those with a new travel document.

When a person intends to visit several Schengen countries, the platform will automatically determine which one of them is responsible for examining the application on the basis of the duration of stay. However, the applicant will also have the possibility to indicate whether the application needs to be processed by a specific Member State according to the purpose of travel.

**Comment:** The latter can be important in the context of cultural mobility where the purpose of the travel is prevailing.



We invite you to check [The Ultimate Cookbook for Cultural Managers: Visas for Third Country National Artists Traveling to the Schengen Area of March 2020 and the related infographic of November 2023.](#)



## Online application of ETIAS for visa-exempt third-country nationals

Third-country nationals that are visa-exempt, will in future, apply online for ETIAS, which is the European Travel Information Authorisation System.

It is expected that this will become obligatory mid-2025.

What is the ETIAS travel authorisation? It is an entry requirement for visa-exempt nationals travelling to any of these **30 European countries**. It is linked to a traveller's passport and is valid for up to three years or until the passport expires, whichever comes first.

With a valid ETIAS travel authorisation, a visa-exempt third-country national can enter the territory of these European countries as often as wanted for short-term stays – normally for up to 90 days in any 180-day period.

But having an ETIAS does not guarantee entry unconditionally. Upon arrival, a border guard will ask to see the passport and other documents and verify that one meets the entry conditions.

All information is available on the **EU portal**, the official ETIAS website.

## VAT in an online cross-border context

From physical to virtual mobility, in this part we want to zoom in on European developments in relation to VAT in the digital age.

In December 2022, the European Commission proposed a series of measures to modernise and make the EU VAT system work better for businesses by promoting digitalisation. By and large the main focus is on the big platform economy.

At the same time the Commission also observes that smaller organisations (SMEs) are reluctant to undertake cross-border selling online.

With the VAT One Stop Shop system, the EU seeks to reduce administrative burdens: there is no need to register in other EU Member States for the payment of local VAT. Tax authorities in the residence state of the business offer this One Stop Shop system, in which all EU sales of electronic services can be administered and foreign VAT due is calculated. Concretely, the VAT is paid to the tax administration in the residence state, which will take care that it is paid through to the other EU Member States.



The reader is invited to check out [The Ultimate Cookbook for Cultural Managers: VAT in an International Context](#) of March 2021 and [the related infographic](#) of October 2022.



## VAT on streamed performances

During the Covid-19 pandemic, performing arts organisations discovered that tickets for streamed performances would fall under the full VAT rate, whilst tickets for in person attendance at the venue can benefit of reduced rates. With the recent revision of the Directive on VAT rates the option has now been included that Member States apply equal treatment whether the tickets sold are for audiences joining a streamed live event or whether they are at the venue itself.

After a Member State has changed the national legislation, it will be possible to apply the same rate on tickets as from 2025 onwards.

Ready to fully explore  
**new dimensions?**  
Find out where and  
how to get support for  
your **digital initiatives.**

# Going digital: EU funding opportunities

## Funding for Digital in the 2021–2027 Multiannual Financial Framework

Digital has a large focus in the comprehensive financial framework of the EU.

It includes instruments and funding programmes such as:

- Digital Europe Programme
- Horizon Europe
- Creative Europe

In this chapter, we will briefly describe these three funding programmes, as they can be relevant for live performance organisations.

However, first of all, let's have a look at the Resilience and Recovery Facility (RRF), which the European Commission set up during the Covid-19 crisis. Companies and organisations of all sectors – including the live performance sector – are eligible to get support under this scheme through national Recovery and Resilience Plans.



**In a nutshell:**

**The digital priority in the national Recovery and Resilience Plans**

In response to the Covid-19 crisis, in 2020 the European Commission set up the Recovery and Resilience Facility (RRF) to support the European economy and put it back on track. At the same time, the RRF intends to implement the European Green Deal in the Member States, prioritising green and digital transformation.

In total, more than € 7 billion has been made available throughout the EU with loans and grants. Beyond a general requirement to contribute to the digital transformation pillar, each Member State must dedicate at least 20% of its recovery and resilience plan's allocation to measures contributing to the digital transition. Challenges resulting from it can also be addressed in the national plans.



Concretely, on the topic of digital transformation, the RRF supports reforms and investments aiming to promote among others the roll-out of very high-capacity networks, the digitalisation of public services and businesses, in particular SMEs, and the development of digital skills – including for the workforce. The funds also support digital content production and distribution.

To learn more about your national government's plans and see in which way your organisation could benefit from them in the digital field, get in touch with your relevant ministries.

## Digital Europe Funding Programme

The Digital Europe Programme (DIGITAL) provides funding for projects in five crucial areas:

- supercomputing
- artificial intelligence
- cybersecurity
- advanced digital skills
- ensuring the wide use of digital technologies across the economy and society

The programme is designed to bridge the gap between digital technology research, and market deployment.

The Digital Europe Programme is implemented through multiannual Work Programmes (WP), including activities implementing the network of European Digital Innovation Hubs (under direct management by the European Commission) and three other activities linked to the above areas.



Focus on:

### Data Space for Cultural Heritage

Specific support is foreseen to develop a data space for cultural heritage. The objective is to make more high-quality content available, particularly in 3D, foster reuse of digitised cultural resources and provide more opportunities for the community to offer enriched services, thanks to the use of advanced technologies.

The awarded projects will increase the offer of 3D and extended reality (XR) content in the common European data space for cultural heritage and will help advance the digital transformation of the cultural heritage institutions, as well as the reuse of such content in other domains, such as tourism or education.

**Observation:** some aspects of performing arts which connect to cultural heritage might be interested in exploring this financing option.

## Horizon Europe

Horizon Europe is a 7-year funding programme for research and innovation, with a focus on health, resilience, and the green and digital transitions. It also aims to help achieve the sustainable development goals. The programme has three main pillars:

- Excellent science
- Global challenges and European Industrial Competitiveness
- Innovative Europe

The budget of Horizon Europe amounts to **€95.5 billion**.

### **The Cluster “Culture, creativity and inclusive society”**

Under Pillar 2 “Global challenges & European industrial competitiveness”, a new cluster addresses “Culture, creativity and inclusive society”. The aim of the European Commission is to fund research that promotes better access to cultural heritage and improve its protection while supporting job creation in the creative industries.

For the Cluster’s Work Programme for 2023-2024, an overall budget of over € 545 million is foreseen, of which € 260.15 million is earmarked for 2024.

For 2024, the European Commission announced three calls:

- Past, present and future of democracies
- Research and innovation on cultural heritage and CCI – 2024
- A sustainable future for Europe

Each of the above-mentioned calls comprises several grants for projects with specific topics proposed by the Commission. The expected Commission contribution for most of the projects is around € 2-3 million, with an indicative total budget of around € 10 million.

Some examples of topics:

- Digital democracies
- Cultural spaces for democratic participation, and young visions for democracies 2040
- Cultural and creative industries for a sustainable climate transition
- Leverage the digital transition for competitive European cultural and creative industries
- Social dialogue in the new world of work

## EIT KIC

Under Pillar 3 of Horizon Europe which is called “Innovative Europe”, the European Commission set up the EIT European Institute for Innovation & Technology, with an aim to create jobs and deliver sustainable and smart growth.

The method for driving innovation used by the EIT is based on bringing together organisations across business, education, and research. The goal of these partnerships is to find and commercialise solutions to pressing global challenges. For each global challenge, there is an ecosystem of partnerships called Knowledge and Innovation Communities (KIC).

Those communities are Europe-wide networks centred around fighting a specific societal challenge like healthcare issues or climate change, and are made up of partnerships between:

- Higher education institutions
- Research centres
- Businesses and investors
- Public and non-profit organisations



**Comment:**

**In all partnerships, live performance organisations may be involved**

### **EIT Culture & Creativity will**

- empower and connect creatives and innovators across Europe and contribute to a more resilient, more sustainable, and transformational sector.
- unlock latent value from a multitude of small cultural and creative stakeholders through technology transfer, improved cross-sectoral collaboration and their effective integration in production value networks.
- strengthen artistic-driven innovation as an indispensable part of the European Innovation Ecosystem.
- reinforce the appreciation and anchoring of European values and identities.
- harness the unique position of the Cultural and Creative Sectors and Industries to facilitate Europe’s Green, Digital and Social transitions.

## Creative Europe

The Creative Europe programme investments contribute to the recovery of culture and media, reinforcing their efforts to become more inclusive and more digital.

With regard to digital, the main focus in the Creative Europe programme is the MEDIA Sub-programme which supports European film and other audiovisual industries. It provides funding for the development, promotion, and distribution of European works within Europe and beyond.

The CULTURE sub-programme can also provide support to projects which include a digital aspect.

For more funding programmes related to digital see the [CulturEU funding guide](#).

# Summary

The EU attaches immense importance to digital. It is a key priority in its policies and covers all aspects of society.

In this brochure we have dived deeper into those aspects of the digital transformation that are related to the daily business of a live performance organisation and a festival.

First, we looked into the obligations and opportunities in the digital environment when one organises a live performance. This concerns for instance the interaction with the audience (consumers) such as in the case of selling online tickets for performances or when streaming a performance via an online platform.

We then remind readers of the privacy rules when collecting data and storing them as described in the GDPR. Threats like illegal ticket sales and piracy of live streamed event are considered, as is the role of the Digital Services Act DSA. Live performance organisations need to be vigilant about these issues and not let it pass, but act and report abuse.

The digital environment also provides new opportunities, allowing to include and reach out to certain groups in society and other geographical areas, especially through streaming. Again, specific issues of importance to live performance organisations should be taken into account: for instance, ensuring that websites are accessible to people with an impairment or or copyright clearance matters.

Obviously, this brochure, also pays attention to the topic of Artificial Intelligence that is highly debated and on which insights and policy orientations develop by the day. The reader should therefore bear in mind that the information contained in the brochure is based on information at the time of publication. In the European context a crucial piece of legislation concerns the AI Act. This act aims to develop a regulatory framework to protect citizens from damaging and high risks when AI is used in certain situations or by certain users. Yet AI can also provide opportunities as it can become a tool to facilitate or streamline administrative processes. A challenge that is expected to be further addressed by legislators concerns copyright protection and the issue of consent in relation to use of text, voice, or images.

Being part of a series focusing on cross-border cultural cooperation, this brochure also includes a dedicated chapter of interest to mobility. Here we consider how the digital is an aid in relation to cross-border mobility. Across the EU citizens will be able to move from one place to the other accessing their personal data and contacting public authorities through their personal e-ID pass. This could apply to issues in the personal sphere (such as health) as well as in the context of work (for example in relation to social security).

In the last chapter we present an insight to funding opportunities in relation to digital. The EU has substantial budgets available to accompany businesses and sectors to undertake the digital transformation and adopt innovative technologies.

To conclude, it is clear, after reading the publication that the digital has become part of all our lives and what seems unthinkable today will be possible tomorrow.

# Relevant Commission's initiatives mentioned in the booklet

## The EU Strategy on Digital

- Communication from the Commission on a 2030 digital Compass: the European Way for the Digital Decade (COM/2021/118 final)
- Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030
- Communication from the Commission establishing a European Declaration on Digital Rights and Principles for the Digital Decade (Swd(2022) 14 Final)
- Communication From the Commission on A Digital Single Market Strategy For Europe (Com/2015/0192 Final)
- 2030 Digital Decade - Report on the state of the Digital Decade 2023 (2023.4792)

## Organising live performances in the digital age: Obligations and opportunities

- Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (PE/17/2022/REV/1)
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (PE/30/2022/REV/1)
- Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (COM/2022/142 final)

## Being present online: Questions about digital inclusion and copyrights

- Directive (EU) 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies
- Regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (PE/30/2022/REV/1)
- Communication from the Commission on a European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe (COM(2010) 636 final)
- Communication from the Commission on a Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 (COM(2021) 101 final)

## Using Artificial Intelligence: Machine-generated content in live performance

- Proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts (COM(2021)0206 final - 2021/0106 (COD))

## Cross-border cooperation and mobility: The role of digitality in facilitating administrative procedures

- Regulation (EU) 2018/1724 of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012
- Communication from the Commission on digitalisation in social security coordination: facilitating free movement in the Single Market (COM(2023) 501 final)
- Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax
- Council Directive (EU) 2022/542 of 5 April 2022 amending Directives 2006/112/EC and (EU) 2020/285 as regards rates of value added tax

## Going digital: EU funding opportunities

- Communication from the Commission on the Mid-term revision of the Multiannual Financial Framework 2021-2027 (COM(2023) 336 final)
- Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240
- Communication from the Commission pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (COM/2021/133 final)
- Regulation (EU) 2021/818 of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013 (PE/31/2021/INIT)
- Regulation (EU) 2021/241 of 12 February 2021 establishing the Recovery and Resilience Facility
- Decision (EU) 2021/820 of 20 May 2021 on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe and repealing Decision No 1312/2013/EU
- European Commission Decision C (2023)2178 of 31 March 2023 establishing the Horizon Europe Work Programme 2023-2024



## Useful links

[Factsheet Digital Decade policy programme 2030](#)

[Council of the EU: A digital future for Europe](#)

[EU funding guide for culture](#)

## Glossary

**EU** - The European Union (EU) is a political and economic union of 27 member states.

**The European Commission** - The European Commission is the executive of the European Union, headed by a President. It has 27 members of the Commission, known as “Commissioners”, each responsible for a different policy area and is divided into departments, the so-called “Directorates-General” (DG). Around 32,000 European civil servants work in the administration of the Commission.

**Member States** - All 27 countries that are signatories to the founding treaties of the union and thereby share the privileges and obligations of membership. They have agreed by the treaties to share their own sovereignty through the institutions of the European Union in some, but not all, aspects of government. Member states are Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

**Types of legislation** (regulation, directive, recommendations, etc.):

[https://european-union.europa.eu/institutions-law-budget/law/types-legislation\\_en](https://european-union.europa.eu/institutions-law-budget/law/types-legislation_en)

# European Festivals Association

The European Festivals Association (EFA) is a community dedicated to the arts, the artists and the audiences. EFA's main role in the permanently developing world of digitisation and globalisation is to connect festival makers so to inform, inspire and enrich the festival landscape. In this perspective, EFA is a festivals' service, knowledge and training provider; the oldest cultural network of European festivals set up in 1952! It was established to bridge the distance between organisations and all kinds of stakeholders and to create connections internationally. All this in function of the enrichment of a festival's own artistic offer and its organisational opportunities.

EFA is becoming a “We” story, linking people and organisations active in the arts management field. The EFA community including at its core its members as well as The Festival Academy Alumni, EFFE Labels and more take the joint responsibility to offer arts to audiences. It is a story that is reaching beyond Europe as it strives to consolidate interaction between continents, countries and cultures so that there can be mutual inspiration, influence and confrontation.

EFA guides the discourse on the value of arts festivals. A sector that is so unique and that shares a myriad of concerns on intellectual, artistic, material and organisational level deserves a strong umbrella organisation that supports local initiatives and gives arts festivals a unified voice.

The European Festivals Association is a trusted alliance of festival makers including:

- 100 EFA members; strong and long standing festivals and national associations of festivals coming from different countries in Europe and beyond,
- An ever growing group of 3000 festivals in 45 countries registered on the FestivalFinder.eu website,
- 1000 alumni of The Festival Academy, EFA's global peer to peer learning and capacity sharing programmes for young festival managers,
- 60 cities contributing and participating in the Festival Cities Initiative.

EFA joined PEARLE\* in 2005.

# Pearle\*

## Live Performance Europe

Pearle\*-Live Performance Europe is the European federation representing through its members and associations some 10 000 theatres, theatre production companies, orchestras and music ensembles, opera houses, ballet and dance companies, festivals, concert halls, venues and other organisations within the performing arts and music sector across Europe.

Pearle\*-Live Performance Europe acts as a forum for exchanging information of relevance to members, for sharing experiences in cultural management and technical skills, for supporting and assisting the formation of employers' associations . . . ., in addition to serving as the body to make representations to the European Commission and any other authorities whose deliberations may affect the work of the Performing Arts in Europe.

The Performing Arts Employers Associations League Europe, or Pearle\* is an international not-for-profit organisation in compliance with Belgian law.

The aim of this non-profit making international non-governmental organisation is the establishing of a stable environment by supporting sustainability and promotion of the Performing Arts across Europe.

Its objects are as follows:

- the exchange of information, experiences and ideas of common interest to members working in the Performing Arts sector
- the obtaining of information concerning all European issues relating to members' interests
- facilitating collective decisions in areas of common interest
- expressing Pearle\*'s views in discussions with bodies whose activities are relevant to Pearle\*
- lobbying in accordance with collective decisions reached by the members' representatives to EU and other authorities
- carrying out all activities connected with the above mentioned activities.

## The Ultimate Cookbook for Cultural Managers

A substantial part of the activity of contemporary artists, festivals, venues, touring and production companies, in the live music and performing arts encompasses cross-border cultural cooperation.

Too often when working together on an international artistic programme, unexpected problems arise based on misunderstandings or wrong assumptions about European legislation and bureaucratic procedures needed for this international cooperation to be the best collaboration it can be.

Drawing from observations on the challenges faced by the sector, and in particular from lessons learned after the Covid-19 crisis, four main areas were identified to be further worked on: sustainability, digital, resilience, mobility.

During the pandemic two sets of factors changed dramatically: there is a demand to be even more flexible & diverse in the range of skills required to traverse new ways of creating, producing & working and new possibilities & opportunities were revealed which still need to be embraced as part of the new 'normal'. Not only did performing arts professionals strive to learn new technical skills, many related to the digital environment, but they also continued to critically think about long-term impact issues such as greener practices, risk & crisis management, interpersonal & entrepreneurial skills, management & employability skills. There is the need to change one's practices towards a more sustainable modus operandi which reduces the impact of a global crisis when it hits.

This second series of "The Ultimate Cookbook for Cultural Managers" is initiated under the EFA Revealing the Alliance project (2022-2024), and complements the series of booklets designed under the EFA RISE projects (2014-2017 and 2018-2021) on the following topics:

- Visas Update (March 2020)
- Social security Update (March 2021)
- Taxation Update (March 2021)
- Copyright Update (March 2021)
- Value added tax Update (March 2021)

Referred to among ourselves, by way of an inside joke, as the Ultimate Cookbook for Cultural Managers, the booklets aim to explain in an easy to understand and to read way what one should know and remember of each specific theme, in other words, what are the ingredients and how to cook the recipe by providing some tips.

**EFA /PEARLE\* partnership** in the context of the EFA RISE and EFA RISE 2 projects and REVEALING THE ALLIANCE project.

EFA REVEALING THE ALLIANCE is supported between 2022 and 2024  
by the Creative Europe Programme of the European Union



Co-funded by  
the European Union