

**SOCIAL STATUS**Motivation

In 1997, a complaint was lodged with the European Commission by COPDAF (Coordination of Entertainment Organizers and Producers) and in April 1999 the Commission proceeded with an official inquiry against on account of article L.762-1 of the Labour Code covering presumed status of employee.

According to the Commission, the nature of article L.762-1 of the Labour Code would seemingly be a hindrance to the free offer of services insofar as it could be construed as preventing artists, established as freelance workers in a European Union Member State or one which is party to the agreement covering the European economic area, from exercising their activity in France as freelance.

The French government has constantly set out to demonstrate to the European Commission that the presumed status of employee of French entertainment artists complies with European legislation.

In conjunction with FIM, SNAM made its contribution in helping the French government work out its presentation of the case during the final phases of the proceedings in 2000. These are not yet closed and there may still be some risk that the Commission refer the matter to the European Community Court of Justice with a view to having France sentenced on this issue.

Motion

FIM takes note of the proceedings undertaken by the European Commission with regards to presumed status of employee for the performers in the entertainment sector provided for under French legislation.

In the eventuality of France's being sentenced, this would debase the coherence and protective nature of the performer's social status for activities carried out on French soil.

In addition, it would sanction the introduction, at European level, of a form of social deregulation which shows little respect for the protection of performing musicians and workers, whereas numerous Community texts confirm the legitimacy of the objective of protecting the social status of artists.

FIM would underline that it supports statutes which provide optimum protection for performing musicians, regardless of whether or not they be citizens of the country in which they perform.

The proceedings undertaken by the Brussels Commission against the presumed status of employee of artists provided for under French legislation, jeopardize the very conditions of employment and remuneration for all artists performing in France.

FIM will denounce and fight any hint or desire whatsoever expressed by international bodies which call into question the protective status of performing musicians. On the contrary, it will support any initiative towards harmonization with a view to making such status as beneficial as possible for artists.