

Romania

The Artist's Place in Society

Most of the time, artists have to resort to another gainful activities but situations may vary from person to person. The reasons for supplementary employment can be very different, not only because of the low level of wages.

INSTITUTIONAL AND LEGAL FRAMEWORK

International laws (conventions, agreements and recommendations) in the field of culture ratified by Romania

Besides the international instruments in the field of cultural heritage, Romania has ratified the following:

- European Cultural Convention, Paris, 1954
- Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, Rome, 1961
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, Geneva, 1971
- Convention for the Protection of Literary and Artistic Works, Berne, 1886, completed at PARIS on May 4, 1896, revised at BERLIN on November 13, 1908, completed at BERNE on March 20, 1914, revised at ROME on June 2, 1928, at BRUSSELS on June 26, 1948, at STOCKHOLM on July 14, 1967, and at PARIS on July 24, 1971, and amended on September 28, 1979
- European Convention on cinematographic co-production, Strasbourg, 1992
- The WIPO Copyright Treaty, Geneva, 1996
- WIPO Performances and Phonograms Treaty, Geneva, 1996
- Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 2003
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Paris, 2005

Governmental units in charge of:

a) Cultural affairs:

Ministry of Culture and Religious Affairs

b) Cultural policies:

Ministry of Culture and Religious Affairs

c) Working conditions of artists including disabled artists:

Ministry of Culture and Religious Affairs;

Ministry of Labour, Family and Equal Opportunities

d) Continuing training of artists and cultural workers:

Centre of Professional Training in Culture

e) Cultural research:

Centre of Research on Culture

f) Tax policies and taxation in the field of culture:

Ministry of Culture and Religious Affairs;

Ministry of Public Finances

Cultural policies

Percentage (average) of the national budget allocated to culture

The allocations from the state budget for culture is 0.21% of the state budget and it is following a rising trend.

Policies aimed at promoting the arts

There are systems of financial support for artistic activities and artists, grants granted by the Ministry of Culture and Religious Affairs (dossier selection) and by the National Cultural Fund Administration (projects selection).

Promotion of creativity and the status of the artist

- Creativity is evaluated on the basis of: the number of show performances organised at organization own headquarters, the number of show performances organised in other location, the number of first time show performances. No statistic data at national level is available.

- The status of the artist is evaluated on the basis of: training of artistic staff within organizations. No statistic data at national level is available.

Existing structures enabling artists to be involved in cultural policy-making at local and national levels

Employed artists are entitled to participate to the decision making process at organizational level; artists are entitled to participate as experts within commission for evaluation of managerial programmes and for cultural projects.

Allocation of public funds for artwork

There is no specific legal requirement for financially public support for art work

Concerning the subventions to arts institutions, only as regard the cultural establishments at local level. Legal requirements for local authorities to financially support at least one cultural establishment in each local community.

Funds for the arts

The National Cultural Fund Administration which main objective is to financially support cultural projects. Also, the Romanian Cultural Institute manage its own financial scheme to support cultural actions outside Romania.

Measures to improve cultural infrastructures (museums, concert or theatre halls, libraries, etc.)

There is the National Programme for rehabilitation the cultural establishments, the National Programme for informatization of libraries, the National Programme for rehabilitation of state owned cinematographs.

Measures promoting the integration of disabled artists

There are no special measures included in cultural policies at national level. The situation of disabled artist is part of general national programmes for disabled persons.

Legal framework

Laws and regulations governing the work of artists

a) Employment and working conditions:

- Government Ordinance n° 21/2007 regarding the concert and show performing institutions and companies and the development of the impresarios activity
- Labour Code (Law n° 53/2003) (general law)
- Labour collective agreement in the cultural field for 2007-2010

b) Social welfare (health insurance, occupational accidents, disability, unemployment and pensions):

- Law n° 109/2005
on establishment of the financial indemnity for freelancer activity of performers from Romania
- Law n° 19/2000 on public pension system and on other social insurance rights (general law)
- Labour collective agreement in cultural field for 2007-2010

c) Training:

There are not specific laws or regulations. The training of employees is ruled by the Labour Code and the Government Ordinance n° 129/2000 on professional training of adults.

WORKING CONDITIONS

Work permit or “professional” status

There is not a professional status for artists. The access to the cultural labour market is open without any work permit requirements. There is no specific professional status for workers in the cultural field.

Health care system

The health care system is regulated by Labour code and by the Law n° 19/2000.

There is a public health care and pension system organised on few levels: pension for age limit, pension for diseases situations, financial support for illness situations, financial support for parents who take care of their children up to 2 years old, and financial support for disabled persons.

The public health care system applies to all artists.

Private healthcare systems

There is a private health care scheme regulated by Law n° 411/2004 on pension funds being under private administration. This scheme is open to artists also.

Disabled artists

There is no special regime for disabled artists, except the general rules applied to any disabled person.

Administrative inspections

The working conditions are subject to administrative inspections.

The inspections cover all the labour related aspects such as: working time, labour ergonomics and health, workers rights to holidays, fair treatment, gender equality, fair payment.

The inspections are carried out by the Labour Inspection, which is a governmental level body, under the supervision of the Ministry of Labour, Family and Equal Opportunities.

Penalties

The penalties may vary from administrative fine to closure of the establishment and penalties under criminal law.

SOCIAL WELFARE

Insurance schemes

The public insurance scheme covers illness, maternity, disability, retirement etc. The compulsory private insurance scheme covers only retirement. There is also a specific retirement public scheme for freelancer artists.

The social coverage (both public and private schemes) is compulsory both for employed and freelance artists. The specific retirement public scheme for freelance artists is designed to support the artists who have contributed before to a public insurance scheme.

Complementary insurance schemes

Only employed artists are obliged to contribute to both insurance schemes (public and the compulsory private).

Administration of contributions

The contributions to the public scheme and related payments are administered by a public body at the governmental level. The contributions to the private retirement scheme are administered by private banks under the supervision of a public body at governmental level. Artists unions manage their own social schemes which are organised on a voluntary basis.

REMUNERATION

The minimum level of payment

Artists who are employed by public organizations are paid according a legal, compulsory system providing payment levels within minimum and maximum limits on a monthly basis. Freelancer artists and artists employed by private organizations may negotiate their payments.

The artists wages are paid directly. Authors and performers can also benefit from payments made through collective administration organizations for their reserved royalties according the copyright law.

UNEMPLOYMENT

Unemployment insurance scheme

The unemployment insurance scheme is general for all employees. The artists have the same rights as all the employees. The unemployment benefits duration vary from 6 months to 12 months. The employment benefit level is 75% from the gross minimum wage applied in economy, to which are added supplementary amounts of 3% to 10% from the gross minimum wage applied in economy according the employer previous contribution period.

Administration of the unemployment insurance scheme

The national unemployment insurance scheme is administered by the National Agency for Employment.

ILLEGAL WORK

Scale of illegal work

There is no official data about illegal work in the cultural sector. At the general level, illegal work represent about 12% from the active population. Regarding the artists, due to their specific activity, if they are not employed, they are paid on the basis of other contracts, usually copyright contracts.

The percentage of illegal work is decreasing.

Control and sanctions

The Labour Inspection is the governmental body entitled to enforce the law through administrative checks.

The penalties provided by the law for illegal work may vary from fines up to prison penalty.

Up to now no prison penalty was applied for illegal work. Usually, administrative fines are applied.

TAX STATUS AND TAX ADVANTAGES

Tax status

Only freelance artists, paid on the basis of copyright contracts may benefit of a particular tax status. In this case, the artists may benefit of 40% reduction applied on the yearly tax on gross income.

Royalties and tax system

Incomes from royalties may benefit of 40% reduction applied on the yearly tax on gross income.

Exemptions for temporary import duties on cultural products

There is no import duties on cultural products (TARIC code 9701 to 9706).

Exemptions on temporary import duties on equipment

Import duties for products having TARIC codes from 9007 to 9011 may vary from 3.7% to 0% depending on the origine country. There are no import duties in relation with EU Member States.

Regional and interregional customs duties agreements for cultural products

The taxation regime for marketing, export and import of cultural products may vary according the product type and origine countries. There are no tax for export of cultural products.

As a Member State of EU, Romania applies the same custom rules as all Member States.

Provisions on inheritance tax

General taxation provisions apply.

INTERNATIONAL MOBILITY OF ARTISTS

Measures to promote the mobility of artists:

- Recognition of foreign diplomas

Foreign diplomas in the artistic professions are recognised on the basis of bilateral agreements.

- Fellowships and financial aid

The mobility or artists is financially supported through grant schemes managed by the Ministry of Culture and the Religious Affairs and Romanian Cultural Institute.

The mobility of works is supported through grant schemes managed by the National Cultural Fund Administration (competitive approach) for cultural projects. The mobility of artistic works which are part of national cultural heritage may be financially supported, in very special situations, directly by the Ministry of Culture and Religious Affairs.

- Visas and residence permits

There are no special facilities for foreign artists for obtaining visas and residence permits. Their requests are treated according general rules.

Provisions in national laws in regard to foreign artists

There are no special facilities for foreign artists for obtaining visas and residence permits. Their requests are treated according general rules.

COLLECTIVE REPRESENTATION

Trade union freedom

Trade Unions are regulated by the Law n° 54/2003 and by the Law n° 130/1996 regarding collective labour agreement.

Main trade union prerogatives

The main trade unions prerogatives are:

- to represent and assist their members in any labour related issues
- to be involved in mitigation of labour related conflicts
- to be invited and to participate to the negotiation of collective labour agreements
- to declare strikes and other specific protest activities

Collective agreements

The unions are consulted by the state before it adopts reforms that can affect the working practices of artists.

The collective agreements are negotiated by the trade unions and the employers.

Promotion of social dialogue and mediation

By the law, at the national level, there is the Economic and Social Council which has competencies in the field of the social dialogue and mediation. At organizational levels, commissions for social dialogue are established according specific regulations and conditions.

At the national level, the Economic and Social Council is an autonomous tripartite public institution of national interest. At the organizational level, the bodies are joint bodies.

CONTINUING TRAINING AND FINANCIAL AID

Vocational training for artists

Vocational training for artists is available under the conditions of the Government Ordinance n° 129/2000 regarding the professional training of adults. The authorised training covers the professional competencies according specific occupational standards (for impresarios, dancers, musical instruments performers, and DJs). The funding of training can be covered by the employers, the trainees themselves and the State for unemployed persons.

Training can be organized within the “classic” educational system or within the adult training system.

Schools and institutions providing continuing training

- Visual arts
 - Within the educational system: Bucharest National Art University, Cluj-Napoca Art and Design University, Iasi “George Enescu” Arts University.
 - Within the authorised adult training system: Center of Professional Training in Culture, Foto Club Arad, Universitatea populara "Ioan I. Dalles", Avantaj Consulting S.R.L.
 - Within the non-authorised adult training system: any public or private organization.

- Performing arts
 - Within the educational system: Iasi “George Enescu” Arts University, Cluj-Napoca Art and Design University, Tirgu-Mures Theatre Art University, Bucharest Film and Theatre University.
 - Within the authorised adult training system: Centre of Professional Training in Culture.
 - Within the non-authorised adult training system: any public or private organization.

- Film and audiovisual media
 - Within the educational system: Cluj-Napoca Art and Design University, Bucharest Film and Theatre University.

- Within the authorised adult training system: Centre of Professional Training in Culture.

- Within the non-authorised adult training system: any public or private organization.

- Dance and choreography

- Within the educational system: Bucharest Film and Theatre University, Tirgu-Mures Theatre Art University, Iasi “George Enescu” Arts University.

- Within the authorised adult training system: Centre of Professional Training in Culture.

- Within the non-authorised adult training system: any public or private organization.

- Literature

- Within the educational system: Universities from Bucharest, Iasi, Cluj-Napoca, Brasov, Craiova, Constanta, Timisoara, Tirgu-Mures, Sibiu.

- Within the authorised adult training system: no training providers.

- Within the non-authorised adult training system: any public or private organization.

- Music

- Within the educational system: Bucharest Film and Theatre University, Tirgu-Mures Theatre Art University, Iasi “George Enescu” Arts University, Cluj-Napoca Art and Design University.

- Within the authorised adult training system: Centre of Professional Training in Culture.

- Within the non-authorised adult training system: any public or private organization.

Training in administration

- Within the educational system: Universities from Bucharest, Iasi, Cluj-Napoca, Brasov, Craiova, Constanta, Timisoara, Tirgu-Mures, Sibiu.

- Within the authorised adult training system: there are over 170 training providers.

- Within the non-authorised adult training system: any public or private organization.

Retraining

There are only the provisions within the general legal framework in the field.

Fellowships for training

Besides the Ministry of Culture and Religious Affairs and the Romanian Cultural Institute, fellowships for training are granted by the universities according their own regulations.

Research aid schemes

Research aid schemes are available within national research system managed mainly by the National Authority for Scientific Research.

Promotion of copyright and neighbouring rights

Information about copyright and neighbouring rights is promoted among artists through mass-media, courses, seminars etc.

ORGANIZATIONS

(a) Governmental organizations working in the cultural sector:

Ministry of Culture and Religious Affairs and its subordinating organizations, Romanian Office for Copyright, Romanian Cultural Institute.

(b) Ministries, councils and other government bodies in charge of culture:

Ministry of Culture and Religious Affairs and its subordinating organizations, Romanian Office for Copyright, Romanian Cultural Institute.

(c) Government authorities responsible for the social integration of disabled artists within the cultural sector:

Within its general competences, the Ministry of Labour, Family and Equal Opportunities and its subordinated National Authority for Employment

REGISTER OF ARTISTS AND CULTURAL PROFESSIONALS

Only impresarios are registered.

Impresarios register available at www.cppc.ro

Source: Centre of Professional Training in Culture, 2008.