

Croatia

The Artist's Place in Society

Most of the time, artists need to resort to other forms of gainful employment.

INSTITUTIONAL AND LEGAL FRAMEWORK

Cultural policies

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

In regard to the realization of the right to funds for artistic programs, the *Law on Cultural Councils* ("Narodne novine", no. 53/01) provides cultural professionals and artists with the right to bring significant decisions for culture and art in specific artistic and cultural fields (film and cinematography, music, theatre arts, visual arts, architecture and town planning, literature and publishing, media culture), through cultural councils. Cultural professionals and artists are members of cultural councils for the above-mentioned fields and they give their opinion to the minister of culture on annual programs of public needs in culture financed out of the state budget. This Law provides for the forming of cultural councils in counties or towns, depending on the decision of the representative body of the county, i.e., town.

For the fields of activity of libraries, archives and museums, the influence of cultural professionals is exerted through the Croatian Library Council, Croatian Archives Council and Croatian Museum Council, in compliance with the *Law on Libraries* ("Narodne novine",/Official Gazette/ nos. 105/97, 5/98 and 104/00), *Law on Archival Materials and Archives* ("Narodne novine",/Official Gazette/ nos. 105/97 and 64/00) and *Law on Museums* ("Narodne novine", /Official Gazette/ no. 142/98).

Legal framework

Laws and regulations governing the work of artists on employment and working conditions, and social welfare:

- **Self-employed artists**

In the Republic of Croatia, the status of artists is regulated by the *Law on the Rights of self-employed Artists and Promotion of Cultural and Artistic Work* ("Narodne novine" [Official Gazette], nos. 43/96, 44/96, corr. 127/00). This Law provides for social security of artists and regulates issues of pension, disability and health insurance of self-employed artists.

Self-employed artists are defined as those who do not hold jobs with an employer and to whom artistic work is the only and main vocation. Artists can join professional associations and form artists' organizations in the field of their artistic activity.

Their rights are regulated by the Rules on the procedure and conditions for granting self-employed artists rights to have contributions for pension and disability as well as

health insurance paid out of the state budget of the Republic of Croatia ("Narodne novine"/Official Gazette" nos. 110/96,39/99,129/99 and 109/00).

Self-employed artists who do not enjoy the right to have contributions for pension, disability and health insurance from the state can pay these contributions by themselves.

- **Employed artists**

For artists who are permanently employed, the contributions are paid by the employer, providing protection of their social status in this way. The *Law on Theatres* ("Narodne novine"/Official Gazette/, nos. 61/91, 13/97 and 127/00) regulates the status of artists employed in theatres.

The status of artists employed in public institutions financed out of state budget is regulated by the *Law on Salaries in Public Services* ("Narodne novine"/Official Gazette/, no. 27/01), the *Decree on job classifications and job complexity coefficients in public services* ("Narodne novine"/Official Gazette/, nos. 38/01 and 112/01) and *General Collective Agreement for senior and lower grade employees in public services* ("Narodne novine"/Official Gazette/, no. 3/02).

WORKING CONDITIONS

Professional status

Artists are granted the professional status in Croatia.

This status is proved on the basis of his/her work. The Republic of Croatia attaches particular significance to the protection of the social and professional status of artists, providing, on the basis of the above mentioned Law, self-employed artists with the right to have their pension, disability and health insurance contributions paid out of the state budget upon the artist's written request. In addition, in order to acquire these rights, the artist's professional work has to represent a noticeable contribution to Croatian culture and art. The rights are granted by a special professional commission from specific artistic fields, whose decision need to be approved by the Minister of Culture.

The artist who has the status of self-employed artist but does not comply with the criteria may pay the required contributions for health and social insurance himself.

Health care system

The *Law on health insurance* applies to all employees. Artists do not have a specific form of health insurance.

Self-employed artists complying with the stipulated criteria have the right to health insurance.

SOCIAL WELFARE

Insurance schemes

Artists who are employees, self employed artists who fulfil the stipulated conditions for the payment of contributions according to special provisions, or artists who pay their own contributions have primary health care, injury at work and occupational disease insurance and maternity leave benefits.

Social coverage is compulsory for everyone.

Complementary insurance scheme

Artists may resort to complementary insurance schemes at their own discretion.

Retirement

The *Law on the Rights of Self-Employed Artists and Promotion of Cultural and Artistic Work* ("Narodne novine", /Official Gazette/ no. 43/96) regulates the payment of contributions for pension insurance, which can be paid either individually by the artist or else paid out of the state budget. For specific artistic professions (classical ballet dancers, modern dance dancers, ballet masters, opera soloists, dancers-singers in professional folk dance ensembles), the years of service for pension insurance purposes are calculated by counting 12 months of service as 18 and lowering the age limit (one for every three years) in compliance with the *Law on the prolonged duration of years of service for insurance purposes* ("Narodne novine", /Official Gazette no. 71/99).

The right to a pension is regulated by the *Law on Pension Insurance* ("Narodne novine", /Official Gazette/ nos. 102/98,127/00, 59/01,109/01 and 147/02).

UNEMPLOYMENT

During unemployment, the *Law on employment mediation and rights* regulates the rights of unemployed artists, as well as of all other unemployed workers ("Narodne novine", /Official Gazette/ nos. 32/02 and 86/02 - corr.). It is to be pointed out that according to this Law, unemployed persons, including artists, have the right to health insurance and, under prescribed conditions, the right to compensation during unemployment.

TAX STATUS AND TAX ADVANTAGES

Taxes on cultural and artistic activities, as well as specific tax benefits are regulated by tax laws, including the following: *Law on Profit Tax* ("Narodne novine",/Official Gazette/ no. 127/00), *Law on Income Tax* ("Narodne novine",/Official Gazette/ nos. 127/00 and 150/02) and *Law on Value Added Tax* ("Narodne novine",/Official Gazette/ nos. 47/95,106/96,164/98,105/99, 54/00 and 73/00).

The *Law on Profit Tax* and the *Law on Income Tax* regulate tax concessions in the field of culture and art, namely tax exemptions and benefits for artists and tax benefits for donors in culture and the arts.

Artists' tax status

Artists, particularly self-employed artists to whom artistic work is the only or main vocation, enjoy special tax benefits in compliance with the provisions of the *Law on Income Tax*. The Law makes provision for reducing taxable fees of artists, whereby in addition to the 40 % flat-rate on artist fee expenses, a 25% flat-rate is also granted on the basis of artistic work. Free-lance artists can choose the more favourable way of working out their income tax. The law does not make provision for them to keep books; rather they decide how they will disclose their income and expenses, namely, by choosing the most favourable option. Likewise, the tax base of self-employed artists is lowered for the value of a received donation, namely, up to 20.000 annually.

The Value Added Tax Law provides for tax benefits on products and services delivered by public institutions in culture, self-employed artists and artistic organizations, including those delivered by institutions for permanent educational and culture in line with special regulations.

Exemptions regarding temporary import duties on cultural products

The same Law provides for tax exemptions.

Exempted from value added tax are goods imported for cultural purposes, including:

- goods given as donations to institutions, associations and non-profit organizations in culture as well as goods bought by them abroad, which however, have to be paid from received foreign money donations

- goods imported as their own works by writers and artists.

There is no tax rate on public film screening services as well as on books and scientific journals.

Promotion of Cultural Work

The *Law on the rights of self-employed artists and promotion of cultural and artistic work* ("Narodne novine", /Official Gazette/ no. 43/96) regulates the promotion of cultural work. Within this framework, artists can realize their right to have pension, disability and health insurance paid out of the state budget, and to financial assistance for the promotion cultural and artistic work.

The *Law on the financing of public needs in culture* ("Narodne novine", /Official Gazette/ nos. 47/90 and 27/93) provides for the rights of artists, their associations and all other cultural institutions to have their programs financed within the financing of public needs in for which funds are allocated from the budget of the Republic of Croatia and local and regional self-government bodies. In order to implement the provisions of the above Law, the Ministry of Culture has adopted Regulations on the selection and determination of programs of public needs in culture ("Narodne novine", /Official Gazette/ nos. 7/01 and 60/01) and Regulations on the criteria for determining programs of public needs in culture in the field of film production and its financing ("Narodne novine", /Official Gazette/ no. 45/00).

COLLECTIVE REPRESENTATION

Freedom of association

Article 43 of the Constitution of the Republic of Croatia ("Narodne novine", /Official Gazette/ no. 41/01) guarantees the freedom of association for the purpose of protecting social, economic, cultural and other convictions and objectives and, to that end, trade unions and other associations can freely be established.

The right to establish professional associations and trade unions

Accordingly, artists can establish their professional associations in compliance with the *Law on the rights of self-employed artists and promotion of cultural and artistic creativity* for the protection and promotion of professional interests, while artists who are working for employers can, in addition to the mentioned professional associations, freely establish trade unions in compliance with the *Labor Law* ("Narodne novine", /Official Gazette/ nos. 38/95, 54/95, 65/95 and 17/01) for protecting and promoting their labor-related rights. Likewise, artists can regulate their labor-related rights through collective agreements.

The labor-related rights of artists employed in public services are regulated by the *General Collective Agreement for senior and lower grade employees in public services* ("Narodne novine"/Official Gazette/ no. 3/02), which was the result of collective bargaining.

Artists can implement their rights provided by law through the procedures regulated by the above-mentioned laws and by-laws. These regulations also provide artists with the right to legal remedies, ensuring in this way control over the realization of their rights. In the realization of their rights, therefore, artists have legal protection in the form of legal remedies, guaranteed by Article 18 of the Constitution of the Republic of Croatia, wherein any arbitrariness in the proceedings is excluded.

INTERNATIONAL MOBILITY OF ARTISTS

Assistance to cultural promotion abroad

Assistance in presenting Croatian artists abroad is achieved within the framework of financing public needs in culture and in line with the *Law on financing public needs in Culture* ("Narodne novine" / Official Gazette/ nos. 47/90 and 27/93) and accompanying by-laws mentioned above. In addition to the assistance given by the Ministry of Culture and competent Offices for culture of the local and regional self-government units, professional artists' associations are also active in rendering comprehensive assistance to artists in the realization of their projects at home and abroad.

CONTINUING TRAINING AND FINANCIAL AID

Vocational schools and institutions providing continuing training

a) Visual arts (painting, sculpture, graphic arts, photography and multimedia):

Academy of Fine Arts, Zagreb

b) Performing arts (drama, street theatre, puppet theatre, circus):

Academy of Dramatic Art, Zagreb

c) Film and audiovisual media:

Academy of Dramatic Art, Zagreb

d) Dance and choreography:

Music Academy, Zagreb

Source: Croatian Commission for UNESCO, February 2003.