

# BELGIUM<sup>1</sup>

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## 1. Historical perspective: cultural policies and instruments

As in other European countries, the field of cultural policies in Belgium developed following the Second World War and was mainly focussed on promoting universal, democratic values. A framework for culture policies was completed towards the end of the sixties and was centred on objectives of cultural democracy. Instruments of cultural policy were, in most cases, grants allocated to non-governmental organisations and not-for-profit associations.

Cultural policies are governed by the principle of subsidiarity whereby the State does not directly intervene, in principle, in cultural matters other than through general regulations and awarding of grants.

Subsidiarity, a principle enshrined in the international cultural development context, was adopted in Belgium not only out of a reaction against fascist activities running rampant throughout the Second World War, but also to set itself apart from the communist countries (State culture) and from the United States (culture regulated by the market rather than by the State).

Since the 1970s, Belgium has undergone a step by step process towards building a federal state made up of territorial regions and linguistic communities. The history of cultural policies since the 1970s can therefore be looked at by examining the activities of the three independent linguistic communities (Flemish, French and German speaking communities) and that of the Federal state; each with their own independent institutions, traditions and political influences.

### *Flemish Community*

Up to the 1980s, the policies of the successive ministers of culture, who were of a Christian-Democrat persuasion, were geared towards the "democratisation of culture". During this time, basic provisions like cultural centres and libraries were provided for throughout the territory of Flanders. Political decisions were taken to subsidise initiatives in the field of adult education and youth work.

During the period 1981-1992, there was an economic crisis in Flanders. With regard to culture, this was reflected in an actual reduction of the overall budget. Arts institutions were the target of such cuts and were required to generate their own income. This new trend was not wholly based on purely liberal principles of the ruling political parties (and ministers of culture) but rather by a management-oriented trend that also continued under subsequent ministers of the Christian-Democrat political persuasion.

Throughout most of the 1990s, Ministers of Culture (Christian-Democrats) focussed their attention both on the traditional arts and on socio-cultural activities. Legislation was passed in the fields of the performing arts, music and museums which outlined the role of the government as well as criteria for their involvement. Policies were developed for block periods which provided the sector with greater legal security and allowed for longer term planning. This approach reflects the culture management trend.

The present Government is a coalition of liberal-democrats, socialists, environmentalists and nationalists, with a Minister of culture belonging to the latter. With the new government came a considerable increase in the budget for culture and a new cultural policy strategy which is aimed at establishing an "integrated" or mainstreamed policy for Flanders in the fields of the arts, cultural heritage and socio-cultural activities. This approach is aimed at a more streamlined system for creativity, dissemination, preservation and support structures for culture and would replace individual, sector based policies, by a more comprehensive legal framework. In addition, Flanders is pursuing co-operation

between different levels of government -- the Government of Flanders, the provinces and the municipalities based on the principles of complementarity and subsidiarity. The new policy also devotes a great deal of attention to increasing rates of cultural participation.

### ***French Community***

Inspired by the work of the Council of Europe, the French speaking Community of Belgium, during the 1970s, laid down the foundations for the creation of a permanent democratic cultural and educational policy. Subsequently, the 70s and 80s together were to mark the beginning of a new era in the development of a large number of regulations in the following fields: continuing adult education, public libraries, youth, cultural centres, establishment of community television, support for group expression and creativity, funding of action-theatre, more direct communication with the public on their social expectations and complaints.

At the end of the Eighties and throughout the Nineties, there was a trend to promote the autonomous development of specific sectors including: heritage, artistic disciplines (music, theatre, dance, and the visual arts), continuing education, youth, audio-visual, literature and the book trade. The result was a strengthening of their respective internal structures, modernised and professional strategies and new relationships on an international level.

### ***German-speaking Community***

In contrast to the autonomy granted to the French and Flemish speaking communities in the 1970s constitutional reform process, the German speaking community was initially granted limited authority, including in the field of culture. During the course of its establishment throughout the 80s, the German speaking community acquired its own parliament and government which led to a significant increase in its authority and influence as well as to the establishment of new structures. Today, this linguistic community consists of 70 000 inhabitants and has achieved a political rank which is equivalent to the other two communities.

It was mainly during the 90s that the legal foundations for culture and sport were laid down or revised, in particular, supporting organisations active in the field of youth, adult education and libraries. Guidelines for infrastructure policy have recently been completed and the government has elaborated new strategies in the field of media policies and legislation covering public and private radio and television.

Future priorities continue to focus on youth and adult education and authorities have agreed to pay closer attention to creativity or artistic quality and increasing cultural professionalism (management). Other goals include the development of a legal framework for scientific surveying and administrative structures to maintain cultural heritage sites and monuments. Additional activities in the field of public radio and television are expected.

## 2. Competence, decision-making and administration

### 2.1 Organisational structure (organigram)

#### *Federal State*

The Office of the Prime Minister includes the Permanent National Commission for the Cultural Pact Act (of 16 July 1973) responsible for applying the Act which guarantees the protection of ideological and religious minority groups.

The Belgian Federal Science Policy Office has ministerial responsibility for: the three federal cultural institutions (Royal Theatre of the Monnaie, National Orchestra of Belgium and Bozar, the former Paleis voor Schone Kunsten/Palais des Beaux Arts) and for the federal science institutes (e.g. the Royal Museums, the Royal Institute for Cultural Heritage and the Royal Library of Belgium).

#### *Flemish Community*

Community level:

##### **Department of Welfare, Public Health and Culture**

- Cultural administration includes: Adult Education and Public Libraries Division, Youth and Sports Division, Visual Arts and Museums Division, Music, Literature and Performing Arts Division.

##### **Department of Science, Innovation and Media**

- Media Administration includes the Division for Media and Film.

Regional level:

##### **Department of the Environment and Infrastructure**

- Town and Country Planning, Housing, Monuments and Landscapes Administration includes a Monuments and Landscapes Division.

#### *French Community*

Community level:

##### **Ministry of the French Community**

- General Secretariat
  - Department for Audiovisual and Multimedia
- The **Cultural Administration** is made up of:
  - a general directorate (infrastructure, cultural centres, training programmes, international relations);
  - performing arts department (including theatre, dance, music and circus);
  - books and literature department (including libraries, French language and regional languages);
  - youth and continuing education department (including grants for training of cultural leaders);
  - cultural heritage and visual arts department (including creation and design, ethnology, folklore and vexillology);
  - inspection department (territorial competences);
  - Centre for film and audiovisual (see also chapter 9.2).

- **Department for Arts Education** which supervises all public arts schools of the Community and allocates funds to institutions that are dependent on the Community (e.g. Art academies) as well as grants to independent schools.

A **General Commission for International Relations** was created during the 1980s as a special administrative structure for international relations (see also chapter 9.2).

Regional level:

Some cultural competencies are ensured by the Regions via:

- Brussels-Capital Region: French Community Commission (Cocof);
- Walloon Region: Department of Town planning, Housing and Heritage- Heritage Division: Protection, Restoration and Archaeology (see also chapter 9.2).

### ***German-speaking Community***

#### **Ministry of the German Community**

- Department for Cultural Affairs which includes divisions for:
  - youth;
  - general and adult education;
  - culture;
  - libraries and media;
  - Belgian radio and television;
  - sport;
  - tourism and improvement of the quality of life;
  - leisure activities;
  - monument and landscape protection as well as excavations and care of the natural environment.
- Inspection service (culture and sport)

## **2.2 Overall description of the system**

Belgium is a federal country which is divided into 3 regions (Flanders, Wallonia and Brussels) and 3 linguistic communities (Flemish, French and German speaking communities), each with their competence for self-governance. The Regions are responsible for matters relating to territory including economy, environment, housing and employment. The Communities are responsible for culture, education, some aspects of health and welfare, language usage and inter-community co-operation. The Regions and Communities have competence in the area of international co-operation and are authorised to engage in international agreements and sign treaties.

Each Region and Community is organised on the basis of a legislative power (Council) and an executive power (Government headed by a minister-president). In Flanders there is one government for both the Region and the Community which also covers the Dutch-speaking population in Brussels. In the French speaking area of Belgium there is a government and a council for both the region and the community (with equal status) which includes the French-speaking population in Brussels.

Each of the 3 language communities have the legal competence to develop autonomous cultural policies. The Federal state is responsible for cultural institutions of national importance (see chapter 2.1.), as well as for certain policy areas including labour law, social security, taxation, and intellectual property rights. The Regions are responsible for monuments and landscapes.

Basic principles for cultural policy to be followed by all 3 communities are laid out in the Cultural Pact Act of 1973 which is administered by the Federal state. It also sets out a compulsory consultative process, including the set up of Councils or Commissions, to ensure that all political and minority voices are heard and integrated into policy development and implementation.

### **2.3 Inter-ministerial or intergovernmental co-operation**

Inter-ministerial co-operation, whether at the federal, regional or community level, takes place between Ministers in the following fields that have an impact on cultural policy: foreign affairs, education, employment, environment, media, mobility, tourism, etc.

Official inter-community co-operation takes place between the French Community and the German-speaking Community, and between the Flemish Community and the German-speaking Community. At present, there is no co-operation agreement between the Flemish and French-speaking Communities.

### **2.4 International cultural co-operation**

Since 1993, the Communities have enjoyed self-government in terms of international relations which allows them to enter into agreements not only with States, but also with Regions or Provinces of foreign countries. The Community Ministers responsible for culture rotate their participation on European Councils and international bodies.

#### ***Flemish Community***

Flanders has concluded several international conventions, co-operation and cultural agreements with various countries and regions. Bilateral co-operation with the Netherlands is the first priority, not only in terms of internal exchange and co-operation between them, but to act jointly on external relations. Multilateral co-operation remains a major issue, especially in dealing with the European Union, the Committee of the Regions of the Council of Europe, UNESCO and the Association of Regions in Europe.

In the past, both the Flemish Minister of Foreign Affairs and the Minister of Culture had a budget for the development of a international relations policy for culture which unfortunately did not promote transparency. The Minister of Culture is now the sole administrator of funds for such activities.

International activities were once considered a separate activity to other initiatives in the cultural field and were subsidised separately from the overall operational budget for culture. This means that applications were not subject to review by advisory bodies. The new policy of the government stipulates that the international dimension of the activities of arts institutes will now form part of their evaluation process. Individuals wanting to engage in international activities can apply for project subsidies, work grants and for funds to cover their transport and travelling expenses.

A new "Cultural Events Fund" has been created and will be run by a consultative body which brings together culture, tourism and foreign policy representatives. The Council for the Arts will in future be responsible for advising the government on the quality and appropriateness of important integrated cultural events abroad. The Museum Evaluation Commission will be responsible for co-ordinating important exhibitions.

### ***French Community***

In 1993, the French Community set up a public body to be solely responsible for international relations (General Commission for the International Relations of the French Community of Belgium - GCIR). This body is mandated to carry out the French Community's foreign policy, and for administering cultural agreements signed with other countries, regions or provinces of foreign countries. The GCIR develops its own priorities for the promotion and dissemination of culture and the arts created in the French Community, for multilateral action with UNESCO, the Council of Europe, the European Union (and associated bodies), with industrialised or otherwise French-speaking countries, for more strategic action towards countries in the South, and for youth exchange policies.

The French Community also has its own delegation within the summits of French-speaking Heads of State.

### ***German-speaking Community***

The German-speaking Community also engages in its own relations and activities with neighbouring regions and countries in Europe including:

- participation in the Meuse-Rhine Euregio (membership since 1992, in the 1999 - 2000 year, the Community held the chair);
- co-operation with partner organisations of the Saar-Lor-Lux region and South Tirol (since 1992-93);
- official co-operation with Rhineland-Palatinate;
- cultural agreements have been concluded with Germany, France, the Netherlands and Austria.

### **3. General objectives and principles of cultural policy**

#### **3.1 Main elements of the current national cultural policy model**

##### *Flemish Community*

In the 1990s, the system of long term policy planning was introduced in Flanders. This meant that each Minister presented a five year plan outlining the activities and long term objectives for the coming period. The current policy document applies to the period 2000-2004. The specific details of these plans are spelled out in yearly 'policy letters'.

At present, the government would like the Flemish parliament to ratify a new system before the end of its current term (in the middle of 2004). The reforms – in preparation or already implemented – are the expression of 2 main policy lines:

1. the advice system is divided into two separate “pillars”: one concerning strategic advice and the other concerning the concrete advice on the allocation of subsidies;
2. the general assessment of requests for subsidies to be made on the basis of qualitative criteria rather than merely on quantitative criteria.

Concerning the first point, a strategic advisory council will be set up for so-called 'homogeneous policy domains' concerned with culture, youth, media and sports. This strategic advisory council will provide advice on policy proposals (based on its own initiative or in response to requests from the government) and legal counsel on planned legislation.

With regard to subsidies, the common government policy is to call in experts committees to decide on the allocation of resources to cultural organisations. In 1997, new structures were created to provide advice to the Minister including a Council for Culture, a Council for the Arts, and a Council for Adult Education and Cultural Dissemination. These Councils are subdivided into sector specific commissions and evaluative bodies which provide advice on grant and funding applications. The Minister can either accept or reject this advice, but must provide significant justification in the case of the latter.

There are, however, two exceptions. In 2000, a Literature Fund was set up to implement the government's literature policy and to grant subsidies. In 2002, the Flemish Audiovisual Fund was established to support and promote audiovisual creations. Both funds have reached a management agreement with the Flemish government. These exceptions should not be mistaken for the existence of a comprehensive system of cultural funds which make decisions independent of the Government.

Legislative reforms in the guise of decrees are underway and address, among other issues, co-operation between the Community and the provinces and municipalities on the basis of the principles of subsidiarity and complementarity. The relevant decrees which have been adopted are:

- Decree on local cultural policy (13-7-2001) which stipulates that subsidies can be granted to those municipalities which develop a six year policy plan. This decree also provides subsidies for libraries and cultural centres.
- Two decrees on the socio-cultural sector: one on socio-cultural work for adults (4-4-2003) and the other for amateur arts (22-12-2000).
- Decree on cultural heritage (under construction) which is designed to regulate structural subsidies of museums and subsidies to publications on heritage and heritage projects as well as regulate a support centre for museums, archive institutes, storage

libraries and documentation centres and the conclusion of heritage covenants with local authorities.

- An arts decree is under construction. It is being designed to regulate all art forms such as performing arts, music, visual and audio-visual arts, literature, architecture, design, new media and their hybrid forms. This decree will replace the several existing decrees and regulations for these sectors. It introduces a 4 year system of recognition and structural subsidies for all sectors; previously applied only in the fields of performing arts and music. It is expected to be flexible enough to allow organisations to choose between being subsidised for a two year period or to receive funding for projects. The decree reflects changes to the overall system of assessment, which aims to make judgements based more on quality criteria than on long-term strategic plans.

During the last legislative period, the government enacted a series of 'support centres' designed to undertake specific activities which would promote individual sectors and types of work as well as collecting data, conducting research and providing analysis. Each support centre has an agreement with the government for a period of four to five years.

At this moment, the Flemish government, the municipalities and provinces are negotiating a new division of responsibility among them which will lead to the ratification of certain Covenants (see chapter 7.1).

### ***French Community***

The cultural policy model of the French-speaking Community is built on seven fundamental and relatively transversal axes which include:

- support for artistic creation and dissemination in the fields of performing arts (music, theatre, dance, entertainment arts), literature, visual arts, cinema, audiovisual productions;
- protection and promotion of the cultural heritage (except for property heritage, which falls within the competence of the Regions) including museums, folklore, ethnology, native or mother tongue languages, and cultural archives;
- territorial cultural development including cultural centres and public libraries;
- development of cultural democracy and participation in social and cultural life which includes support to youth and continuing education, cultural associations, intercultural activities, amateur arts;
- training support;
- support for broadcasting (public radio and television, community television);
- press assistance;
- support for international activities.

There are over 30 consultative bodies or commissions which advise the Minister and submit proposals or recommendations during policy making processes and in the selection of projects.

### ***German-speaking Community***

The local authorities in the German-speaking community mainly support non-profit organisations and clubs in the following four ways:

- operational subsidies;
- subsidies of personnel costs;
- direct interventions;
- subsidies for infrastructure projects and equipment.

It supports its own German language radio and television company, a tourism and media centre.

### **Issues concerning decentralisation vs. centralism**

As a federal state, the main competence for culture and cultural policy making in Belgium lies with the individual linguistic communities; organically a decentralised system. The Federal State, however, maintains responsibility for grants to major institutions and organisations whose sphere of influence is national and to those which are located in Brussels. It also maintains a separate relationship to international bodies such as the Council of Europe and UNESCO.

#### ***Flemish Community***

The aim of the current cultural policy is to achieve a relationship with the provinces and municipalities which is based on the principles of subsidiarity and complementarity. A recent example of this policy-in-action is the decree on local cultural policy. The Government of Flanders has entered into an experiment which sets up "Covenants" with certain cities in the field of cultural heritage. At this moment, the Flemish government, municipalities and provinces are negotiating a division of responsibilities which will lead to the ratification of Covenants (see chapter 7.1).

#### ***French Community***

The French Community exercises its competence over the territories of Wallonia and Brussels, the latter of which is home to the majority of cultural institutions and associations in French-speaking Belgium. Over the past decade, the government has been examining means to decentralise responsibility for cultural institutions in Wallonia and for more equitable division with Brussels. They have devised their cultural policies to reinforce partnership with the towns, municipalities and rural areas via special contracts in fields such as cultural centres, libraries, youth and continuing education organisations, community centres of expression and creativity, youth centres, regional drama centres, community television stations, and reception and production units.

#### ***German-speaking Community***

The Constitution of Belgium grants a transfer of regional authority through the Walloon Region to the German-speaking Community. In the cultural field, responsibility for monuments and landscape protection and excavation has already been transferred to the Community to allow for better self-administration

Due to its size, the German-speaking Community is generally able to develop and carry out a cultural policy which closely reflects the needs of its citizens and the community. Thanks to its extensive degree of autonomy, it has the necessary freedom of action to develop its identity through socio-cultural events, while at the same time building up its national presence through the promotion of high-quality cultural products and productions.

The German-speaking Community has concluded cultural co-operation agreements with the French Community and with the Flemish Community, as well as with the Walloon Region and the Province of Liège.

## **3.2 National definition of culture**

The national definition of culture, enshrined under the 1971 third constitutional review, covers the following fields:

- protection and illustration of language;
- encouragement of researcher training;
- fine arts, including theatre and cinema;

- cultural heritage, museums and other cultural scientific institutions;
- libraries, record libraries and similar services ;
- radio and television broadcasting (except for the transmission of governmental communications and commercial advertising);
- youth policy;
- continuing education and cultural animation;
- physical education, sport and outdoor life;
- leisure and tourism.

Successive governmental reforms have had their effect on culture, especially the transfer of new cultural competence from the State to the Communities in the fields of training (especially artistic education), radio and television advertising and support for the press.

On the French-speaking side, the following transfer of competence from the French Community to the Walloon and Brussels Regions should be noted:

- in terms of cultural heritage: monuments and sites;
- tourism, infrastructures relating to physical education, sport and outdoor life.

### **3.3 Cultural policy objectives**

Cultural policy objectives are based on the principles of political and cultural democracy. Reference to human rights and pluralist democracy is a common fixture of all regulations and policies. Priority is accorded to cultural participation and creativity that are explicitly enshrined in this rationale as well as to the protection and promotion of a tolerant European culture, open to the world, intrinsically diverse and respectful of the minorities that contribute to global cultural development.

Belgium and its Communities have always played an active role within the Council of Europe to such an extent that many of the cultural policies developed in Belgium have closely followed the orientations given by the Council of Europe.

## 4. Current issues in cultural policy development and debate

### 4.1 Cultural policy priorities in the past 5 years

#### *Flemish Community*

The policy priorities have been to:

- integrating the arts, cultural heritage and socio-cultural work under one policy umbrella which addresses creativity, dissemination and preservation;
- increase participation in cultural life and cultural competence;
- assign a new role to large cities and municipalities (with a regional function) as arenas for culture;
- pursue an international policy on culture that is "culture-oriented" rather than one which merely serves economic or political goals.
- In addition to these priorities, the policy in Flanders has been focussed on greater transparency through the introduction of new policy instruments which include:
- the creation of a more coherent system of advice for the Minister (which was previously fragmented);
- not only updating sector policies (for cultural centres and libraries) but to begin formulating a comprehensive framework under which sector policies can be integrated and interrelated.

For a number of years, attempts have been made to give the policy on culture a scientific basis through the work of the Unit for Cultural Policy in the Culture Section of the Ministry and externally commissioned studies. Scientific research on culture and cultural policy has received a new impulse with the founding of a support centre *Re-Creatief Vlaanderen*, a consortium of academic research units belonging to the universities of Ghent, Louvain, Brussels (VUB) and the Europese Hogeschool Brussel (EHSAL). Their research focuses on different aspects of cultural practice and participation.

#### *French Community*

Main priorities for cultural policy in recent years revolve around the following overarching themes:

- *Culture and the city*: partnership arrangements (*town or county contracts*) made with local authorities (towns, municipalities and rural areas) in fields such as reading, heritage, performing arts and cultural centres. This policy highlights the role of the towns and rural areas as locomotives of integrated cultural development.
- *Revisiting contracts with cultural institutions of community importance*: In the past few years the Government of the French Community has been revisiting the contracts it has established with large cultural institutions including the public radio and television stations, opera, orchestra, main theatres, dance companies and cultural centres. The purpose is to review their mission, to examine the public investment in these institutions and to find new means for the institutions to become more financially independent.
- *Develop legislation in the following fields*: the performing arts, museums, folklore and ethnology. These fields were not originally included in the Cultural Pact Act of 1973.
- *Revisiting out dated policies*: Legislation passed in the 1970s has recently been subjected to major face-lifts or is in the process of being analysed.
- *Public-private partnership in the media field*.
- *Cultural participation*: New initiatives focussed on increasing access for disadvantaged groups to cultural institutions.

- *Culture and trade*: Focussing on WTO and MAI agreements, emphasis on protecting cultural exceptions within the context of the developing cultural industries.
- *Mobility of young people and artists*: Including support for cross-border projects and European cultural networks
- *The renovation and adaptation of industrial sites for cultural purposes*.

### ***German-speaking Community***

A main issue is the promotion of the linguistic and cultural characteristics of the German speaking community, which form the basis of its institutional autonomy.

The associations working at the basic levels of cultural life, i.e. adult education, youth work, media, sport and folklore have been given an institutional foundation; their dissemination and development are financially supported. Especially the regulations on organisations in the field of youth work have been revised, their statutes and financing mechanisms have been stipulated through a decree.

Arts and cultural heritage will receive stronger support in the future. An important instrument here is the transfer of competencies for cultural and natural heritage (02-02-1994) and archaeological sites (01-01-2000) to the German Community by the Walloon Region. Buildings and landscapes worth protecting could be classified and modalities for the restorations of protected buildings through public funds were agreed upon.

Another important point is the integration of the community into the cultural life on community, national and international levels.

This is mainly done through the creation of modern media. The media decree of 1999 stipulates rules concerning television, cable networks and radio broadcasting. It allows natural and juridical persons to use an open TV channel under the authority of the German Community and decrees the institution of a media board. The public broadcasting and television centre of the German community has opened a second radio channel in co-operation with a German private partner. It operates a TV station in co-operation with the Media Centre, the Open Channel, and the Labour Office.

The promotion of highly qualified cultural agents and top athletes is an important part of cultural exchange programmes among member states of the European Union, projects of Euregio Maas-Rhein and youth exchange programmes outside of Europe.

## **4.2 Recent policy issues and debates**

### **4.2.1 Provisions for cultural minorities**

#### ***Flemish Community***

Since 2001, a budget has been provided to finance social-artistic projects working with minority groups. On the basis of the 1995 decree on socio-cultural work for adults, migrants' associations can be granted subsidies. Extra project funding has now been allocated to migrants' associations.

In his memorandum on literature for 2000, the Minister instructed the new Fund for Literature to devote special attention to authors from immigrant communities, for example, by providing funds to promote their works.

#### ***French Community***

Support measures are not based on certain cultural groups, but rather on the diversity of cultures and artistic disciplines.

There are many cultural associations for minority communities in the sectors of continuing education and youth. The principle objectives of several of these associations is to provide information to their constituents on the protection of their rights and to help develop minority cultures.

The RTBF, public service broadcaster of the French Community, is obligated to ensure that its programmes are of high quality and reflect the diversity of its audiences -- including meeting the expectations of the socio-cultural minorities of the community regardless of race, sex, ideology, philosophy or religion. Broadcasts are considered as a factor of social cohesion and should therefore not lead to social segregation.

#### **4.2.2 Gender equality and cultural policies**

##### ***Flemish Community***

According to the decree of 15 July 1997 on the introduction of a more balanced representation of men and women in advisory councils, a maximum of two thirds of the members of the Flemish advisory bodies may be of the same sex.

##### ***French Community***

A specific equal opportunity policy for men and women is in place to protect women's rights and to support projects working in this area. However, there is no particular provision for the tangible achievement of equal representation and equal access to the various forms of support. It should be emphasised that the sectors that are especially preoccupied by issues of cultural democracy, such as continuing education and youth, subsidise associations whose principal objectives include either equality between men and women or the enhancement of issues and interests of a particularly feminine or feminist nature.

##### ***German-speaking Community***

The Media Council has to observe the regulations on the representation of men and women in its composition.

#### **4.2.3 Language issues and policies**

Language is one of the fundamental basis structuring Belgium society. In addition to the 3 official linguistic communities, there is a plurality of languages in use throughout the country by the many immigrant communities. As the capital of Europe, Brussels is a multilingual city.

##### ***Flemish Community***

The Dutch Language Union was founded in 1980 as an inter-governmental organisation representing the Netherlands and the Flemish Community. Its mandate is to jointly promote the Dutch language and literature in the Dutch-speaking area and abroad. Standardisation of the Dutch language (spelling, grammar, terminology, and the new speech-processing technologies) is one area under the responsibility of the Union. Several projects have been set up to promote knowledge of the Dutch language among "new citizens" to the area.

##### ***French Community***

The protection and promotion of the French language is a cultural policy imperative, including through the public broadcaster RTBF. Various public events are organised each year to bring French-speaking audiences, especially young and popular audiences, closer to

their language and to reinforce the attraction of French for others. Studies have been conducted on the relationship between the French language and multilingualism, between education and democracy.

The French Community is a member of the French-Speaking Agency and actively participates in its activities, especially on projects related to cultural diversity with other French-speaking countries.

There are several other mother-tongue languages in use throughout Wallonia other than French. They are supported at the literary, linguistic and education levels.

### ***German-speaking Community***

The linguistic exchange between the German speaking Community and the other two communities is regulated by the agreement on co-operation.

The Belgian Broadcasting and Television Centre of the German speaking Community is responsible for the public service of radio and TV broadcasting in German.

All other TV providers have to make sure that the German language is represented and made visible.

## **4.2.4 Relation between media and culture**

### ***Flemish Community***

The Flemish Radio and Television Broadcasting Company (VRT) has a mandate to provide a high quality programmes in the information, culture, education and entertainment sectors. In order to maximise the culture aspect of radio and television programmes the Ministers of Culture and the Media have agreed to consult on the form and content of the policy relating to film, new media and public broadcasting.

An advisory commission is being set up for the development of the media, composed of an equal number of representatives from the media and cultural sectors. The Arts Council nominates the latter.

### ***French Community***

Since 1997, the Belgian Radio-Television of the French Community (RTBF) has changed its status from being a public body under state control to a self-governing or independent public company. This new statute culminated in the signing of a management contract that identifies the respective rights and obligations of the French Community Government and the RTBF. The management contract highlights the role of public service in creation, production and dissemination of culture.

RTBF has a public obligation to ensure that a significant effort is made to favour the creation of original productions enhancing the heritage and regional particularities of the French Community. A commission of representatives from RTBF, the culture sector and the Ministry of the French Community has been set up according to legal provisions set out by the Community.

Private broadcasters are also under an obligation to promote the cultural heritage of the Community and have entered into agreements with the Government to stimulate the audio-visual industry of the French Community, on activities which include in-house productions, external services, co-production with independent producers and programme purchases.

In line with the Television without Frontiers Directive of the European Commission, special quotas have been put in place to devote a majority of their broadcasting space to

European works, including the original work of authors belonging to the French Community. The quota is set at 10% of airtime.

Private radio stations, like the public ones, are obliged to contribute to a fund in aid of radio productions once per year.

### ***German-speaking Community***

The Belgian Broadcasting and Television Centre is responsible for information, education and entertainment of the audience and has the task to make the German speaking Community known.

According to the Media Decree, all television providers must ensure the visibility of the German speaking Community in their programmes. Works from European countries must have a share in the programme. Radio broadcasters have to put emphasis on culture and artists from the German speaking Community and the neighbouring regions.

## **4.2.5 Employment policies for the cultural sector**

At the federal level, the "Maribel" social fund has been created to sustain job creation in the cultural sector

### ***Flemish Community***

For many years the cultural sector has made intensive use of special forms of employment organised by the government to combat unemployment. Since 1989, employers have paid a special RSZ contribution to the employment fund. In the Performing Arts sector, the Flemish Boards of Directors for Performing Arts (VDP) and the unions founded a Social Fund for Performing Arts in order to reserve the contributions for initiatives in its own sector. This Fund collects the contributions for the sector of performing arts and decides on their use. The money is used for projects which are aimed at the employment and/or training of persons in high-risk groups.

### ***French Community***

Since 1974, cultural employment has been developed and subsidised mainly in the sectors of cultural centres, youth, continuing education, libraries, theatre, and the major cultural institutions.

Various plans for the absorption of unemployment conducted in the context of overall employment policies have enabled genuine investment in employment in the various cultural sectors.

This contribution has enabled employment to be strongly developed in the cultural sector.

Nevertheless, this has not necessarily developed employment quality and qualification, access rationale for such jobs being oriented to essentially social criteria.

New forms of co-operation between the cultural policies (community-based) and employment policies (federal and regional) are being sought in order to develop cultural employment in a more structured manner.

### ***German-speaking Community***

Subsidies for the financing of staff of museums and creative studios as well as organisations of youth and adult education are regulated by a decree.

Since January 1st 2000, when the Walloon region transferred all competencies in the employment field to the German-speaking Community, it has been responsible for the

creation and financing of employment measures. As the restructuring process was not finalised until January 1st 2001, little can be said about the effects on the cultural sector.

#### **4.2.6 Culture industries: development programmes and partnerships**

##### ***Flemish Community***

There are production subsidies to support the publication of literary and cultural works that have little commercial but great cultural value.

The management agreement between the government and the public broadcaster (VRT) states that VRT must also participate in independent Flemish audio-visual productions, e.g., feature films, TV drama and documentaries.

##### ***French Community***

Subsidies have been granted for the publication of literary, artistic or cultural books in general, and for musical productions. The film industry is also supported. Management contracts with the public radio and television stations include the obligation to participate in audio-visual, cinematographic and music production

#### **4.2.7 New technologies and cultural policies**

##### ***Flemish Community***

Since 2001, the audiovisual sector has been a new point of interest within Flemish cultural policy.

The Flemish Audiovisual Fund (VAF) was set up by the government in 2002. The aims of the Fund are threefold: to develop a sustainable Flemish audiovisual industry, to encourage and support upcoming talents in the field and to promote a vibrant audiovisual culture in Flanders. The VAF undertakes four main tasks:

- provides financial support for audiovisual productions;
- promotes audiovisual productions in Flanders as well as abroad (Flanders Image);
- grants scholarships, finances professional training and supports/organises workshops;
- carries out surveys on the audiovisual field.

A support centre for the audiovisual field was set up in July 2003. The 'Initiatief Audiovisuele Kunsten' (IAK) is an information centre for all audiovisual genres and professions, ranging from cinema films to video clips, from animated cartoons to documentaries, from video art to new media. The IAK has several tasks: it is an information centre and a help desk, an interface between the sector and the government and it promotes the audiovisual arts. Within the IAK, a special unit focuses on new media, media arts and digital images: the 'Digital Platform'. The Media Desk Belgium/Flemish community has been added to the IAK. Since the audiovisual arts now belong to the Flemish cultural policy, they will be integrated in the new arts decree.

#### **4.2.8 Arts education: programmes and models**

##### ***Flemish Community***

*Canon*, the cultural unit of the Education Department, has already taken several initiatives to strengthen the position of culture in the field of education. For example, teachers who wish to develop arts education projects can draw on a list of resources provided by the government. This list includes organisations and individual artists who can supervise or

take part in school projects. Teachers are required to submit applications for subsidies to cover their costs.

For several years, Canon has organised two major projects for teachers in collaboration with a number of cultural institutions. The first project, the Canon cultural days, takes place in a number of cultural centres and provides teachers with a forum to discuss their cultural project: the aims, preparation, problems, added value, and funding. During these days the teachers can also be introduced to numerous organisations involved in artistic initiatives which could benefit their project in the long run. The second project, Meesterstukken, is designed to enable teachers to participate in a large scale programme with hundreds of events, workshops and discussions organised in cultural centres, art centres for children, and museums. They are provided with educational and teaching materials.

At the initiative of the Education Department, the King Baudouin Foundation and the Centre for Amateur Arts, introduced a trial project in schools with over 50% immigrant population. The programme supports a visit of an artist to the school one day per week.

On February 18th 2002, the Minister of Education and the Minister of Culture signed a 'Protocol on collaboration between Culture and Education' which committed their departments to jointly develop a policy on the different levels where culture and education meet. In order to structure the dialogue between Culture and Education, three advisory committees and one steering committee have been set up. The steering committee has been assigned the task to develop a plan of action and a time schedule to put the goals of the protocol into practice. One advisory committee is responsible for different types of activities which would take place during: 'school time', 'spare time' and 'professional time'. They consist of representatives of both Departments and of external experts. The protocol provides for the future creation of a culture-education support centre, as an instrument to facilitate ongoing co-operation between culture and education.

In the provisional framework of the future arts decree, education is a point of special interest. Arts organisations can now include educational activities in their general applications for subsidies. In addition, subsidies will be granted to organisations that work exclusively in the field of arts education which can be granted for a two year period, a four year period and for projects.

### ***French Community***

At the end of the 1960s, a funding programme was set up to sponsor theatre and musicals in schools. This policy contributed to the development not only of artistic creativity but also of its dissemination of information of their works and of the theatre in general within schools.

There is currently an education reform process underway which will redefine its mission in a modern society and demonstrate the importance of cultural activity in the schools. Education and culture are within the Ministry of the French Community. Co-operative objectives and projects are currently being organised.

### ***German-speaking Community***

Artists and schools co-operate within certain projects. There are no systematic promotion measures.

## **4.2.9 Heritage issues and policies**

The most widely used political notion is 'preservation of heritage' sometimes combined with its 'usage'. Heritage traditionally consisted of movable and immovable items; the latter

being a matter for ongoing debate between the Ministry of Culture and the more powerful Ministry of Property regarding who should control the use of cultural heritage real estate and distribute lending profits which are insufficient even to keep the buildings in shape. Another player is the State Committee for Construction and Architecture supervising architectural monuments. The privatisation of historical buildings is formally "on hold", but on the local level the main tendency is to privatise, ignoring or reducing heritage lists.

Museums, archives and library collections are treated as being part of the national heritage. The latter receives extra support for LIBNET – an information system of libraries, financed jointly from the federal, regional and local budgets with support from the Soros Foundation.

The Federal State has maintained its competence over the national museums located in Brussels including the National Art & History Museum, the Musical Instrument Museum, the Museum of Ancient & Modern Art, and Archives.

Belgium participates in an active and committed manner in the European Heritage days programme of the Council of Europe.

### ***Flemish Community***

The authorities for the Flemish Region and the Brussels-Capital Region are responsible for implementing the extensive legislation passed in the field of immovable heritage as well as for organising the Days of Monuments. The Flemish Region is engaged in several projects including completing an inventory of architectural heritage before 2003 and legal protection for all valuable monuments before 2007.

The Flemish Region is working on a new project to increase access to monuments in a user-friendly and monument-friendly way. Particular attention is to be placed on church property, new aspects of heritage, and new forms of administration, such as the creation of the new Stichting Vlaams Erfgoed (National Trust). For more information, see the link list in chapter 9.2.

In the Flemish Community, cultural heritage policy is expanding rapidly. The government wants to support the creation of inventories, preservation, management, participation and research activities.

To date, heritage covenants have been ratified with seven cities. The Flemish Community has provided funding to create a heritage unit in each of these cities, which are staffed by at least a heritage co-ordinator and communication specialist. All communities – or partnerships of communities- with a population of over 20 000, can request the opportunity to ratify a heritage covenant.

In 2001, the first annual Heritage Weekend was organised.

The Vlaams Centrum voor Volkscultuur (VCV) is a support centre covering the fields of folklore, ethnology, local history, genealogy and industrial archaeology. A decree dated 27/10/1998 regulates the recognition and subsidisation of organisations in the field of popular culture and stipulated the creation of a Flemish Centre for Popular Culture. However, the VCV has a scientific mandate to document and study popular culture and everyday life in Flanders, a role to assist in the gathering of information (best practices) and to communicate with relevant associations and organisations.

The museums decree (20/12/1996) distinguishes three types of museums existing on the local level, the regional level and those of (inter)national importance. Museums can apply for a working budget or for project subsidies. Museum counsellors have been appointed to advise and inform museums, to provide education, to initiate and counsel projects and to consult all those involved in the museums sector.

Private cultural archives can be granted subsidies on the basis of the decree of July 19<sup>th</sup> 2002.

Since 2002, 'Culturele Biografie Vlaanderen vzw' operates as a support centre for the museums, archives, libraries and documentation centres, and implements the provisions of the heritage covenants.

In order to protect movable cultural heritage of exceptional importance, a decree was ratified on January 24<sup>th</sup> 2003. This decree not only provides subsidies for restoration but also contains protective measures concerning physical interventions. It regulates exports and obliges the Flemish government to buy pieces that did not qualify for an export licence.

### ***French Community***

Competence for heritage is shared between the Regions (Wallonia and Brussels-Capital) and the French Community. The Regions are responsible for property heritage while the French Community has responsibility for movable cultural heritage including museums, ethnology and folklore. The transfer of power over property heritage from the French Community to the Brussels and Walloon Regions was initiated to allow for greater co-operation with the towns and counties and to integrate heritage preservation into their planning strategies.

The French Community's heritage policy is essentially focused on museums: the Royal Mariemont of the French Community, Muséobus, subsidisation of eleven museums and art centres organised jointly by the French Community and various public authorities, together with museums organised by other public authorities or by associations.

### ***German-speaking Community***

In participation with the Walloon Region, the German speaking Community participates in the European Heritage Days. Other initiatives in the field of cultural heritage are also carried out in co-operation with neighbouring regions (B, NL, D).

#### **4.2.10 Other relevant issues and debates**

Information is not currently available.

## 5. Main legal provisions in the cultural field

### 5.1 Overview of legal competence for cultural policy making

There is a clear division of legislative responsibility for culture divided between the federal government and the 3 linguistic communities. The former has competence over taxation, social security and copyright issues (see chapter 5.2 and chapter 5.4), the latter have competency for overall legislation and policy making for culture.

The fundamental piece of federal legislation is the Cultural Pact Act which was passed in 1973. It has also served as the basis for legislation (in the form of decrees) at the community level.

#### *French Community*

The principal legislative and regulatory texts are the following:

##### **Visual Arts**

- Edict of 10 May 1984 in respect of the integration of works of art into public buildings.
- Decree of the French Community Government mandating the involvement of artists in Commission meetings over the integration of works of art into public buildings.
- Decree of 10 June 1988 of the French Community Executive to set up its Consultative Commission for Visual Arts.

##### **Performing Arts**

- Framework edict of 5 May 1999 in respect of the recognition and subsidisation of the Professional Sectors of the Performing Arts.

##### **Audio-visual**

- Edict of 17 July 1987 on the modified audio-visual sector. This text constitutes the regulatory skeleton for the audio-visual sector, including the provisions relating to local television, private television, Pay-TV organisations, the distribution of other services, operators of conditional access systems, cable television networks, radio and television advertising, sponsorship, and public access to events of major interest.
- Edicts of 20 July 1988, of 4 July 1989, of 19 July 1991 and of 8 February 1992 (amendments).
- Decree of the French Community Executive of 7 December 1987 in respect of the classification of local and community television stations.
- Decree of the French Community Executive of 7 December 1987 in respect of the models for granting subsidies to local and community television stations; decree of 6 April 1989 (amendments).
- Decree of the French Community Executive of 29 January 1988 in respect of the granting, suspension and withdrawal of local and community television licenses.
- Decree of the French Community Executive of 18 December 1991 laying down the models relating to the aid fund for radio productions.
- Decree of the French Community Executive of 24 December 1991 in respect of the recognition of private radio stations; decree of 29 December 1994 (amendments).
- Edict of 14 July 1997 conveying the statute of the Belgian Radio and Television of the French Community (RTBF) and decree of the French Community Government of 14 October 1997 conveying approval of the management contract.
- Edict of 24 July 1997 in respect of the Superior Audio-Visual Council and the private radio services of the French Community.

### **Libraries**

- Edict of 28 February 1978 organising the public reading service; edicts of 21 October 1988, of 19 July 1991 and of 30 November 1992 (amendments).
- Decree of 14 March 1995 of the French Community Government in respect the organisation of the public reading service; decrees of 2 September 1997 and of 8 November 1999 (amendments).

### **Culture Centres**

- Edict of 28 July 1992 in respect of recognition and subsidisation of culture centres; edict of 10 April 1995 (amendments).
- Decree of 22 July 1996 determining the procedure for granting and withdrawal of awards, category classification and granting subsidies.

### **Cinema**

- Royal Decree of 22 June 1967 to promote cinematographic culture of French expression; decrees of 17 February 1976, of 4 April 1995, of 25 March 1996 (amendments).
- Decree of 26 July 1990 of the French Community Executive in respect of approval and subsidisation of production and reception units for films and video.
- Decree of 12 April 1995 of the French Community Government in respect of budgetary, financial and accountancy management for the Cinema and Audio-Visual Centre.
- Decree of 12 April 1995 of the French Community Government conveying the creation of the Committee for the Cinema and Audio-Visual Centre; decree of 18 September 1996 (amendments).

### **Continuing Education**

- Royal Decree of 5 September 1921, amended in its Clause 3 by the Royal Decree of 4 April 1925 determining the general conditions for the granting of subsidies to schools.
- Royal Decree of 16 July 1971 establishing the conditions of approval and granting of subsidy to national and regional organisations.
- Edict of 8 April 1976 laying down the conditions of recognition and the granting of subsidy to organisations of continuing education in general and to socio-cultural organisations.
- Ministerial Circular of 1 November 1976 in respect of Centres of Expression and Creativity.
- Ministerial Circular of 2 December 1997 organising the support for training programmes for leaders of socio-cultural animation and action.
- Edict of 17 May 1999 founding the Superior Council of Continuing Education.

### **Youth**

- Royal Decree of 28 August 1977 to create the Council of Youth of French expression.
- Edict of 20 June 1980 laying down the conditions of recognition and the granting of subsidies to youth organisations.
- Ministerial Decree of 27 March 1981 determining the procedures of recognition and the granting of subsidy to youth organisations.
- Edict of 20 July 2000 determining the conditions of recognition and the granting of subsidies to youth hostels, community and accommodation centres and centres of information for young people and their federations.

### **Languages**

- Edict of 12 July 1978 on the protection of the French language.
- Decree of 25 February 1985 of the French Community Executive creating a French language council and a French language department
- Edict of 24 December 1990 creating a supervisory commission of legislation in respect of the French language and edict of 17 March 1997 (amendments).
- Decree of 18 December 1992 of the French Community Executive creating the Superior Council of the French Language.
- Decree of 13 December 1993 of the French Community Government establishing the rules of feminisation of trade, position, rank or title names.
- Edict of 24 December 1990 in respect of the native tongues of the French Community.

### **Literature**

- Decree of 5 July 1985 of the French Community Executive creating a Literary Commission of the French Community and decree of 19 May 1989 (amendments).

### **Books**

- Decree of 4 April 1988 of the French Community Executive laying down the models of aid for publishing in the French Community.
- Decree of 28 March 1990 of the French Community Executive creating of the Book Council of the Wallonia-Brussels French Community.
- Decree of 23 October 1991 of the French Community Executive laying down the modalities of aid for dissemination in the French Community.

### **Cultural Heritage**

- Edict of 5 July 1985 instituting the Heraldic and Vexillological Council of the French Community of Belgium and laying down the flag, seal and coat of arms of the towns and municipalities and Decrees of 8 August 1988 and of 26 February 1991;
- Edict of 26 May 1981 instituting the Superior Council of Popular Art and Tradition and of Folklore.
- Decree of 26 June 1990 of the French Community Executive instituting the Superior Council of Ethnology of the French Community.
- Edict of 13 July 1994 conveying approval and subsidy of the private archive centres in the French Community; edict of 22 December 1994 (amendments).

## **5.2 Legal framework for artists**

Laws which serve as a framework for artistic activities, such as the rules regarding labour relations, taxation and social security, are determined by the Federal State.

### **5.2.1 Social security / labour relations**

In December 2002, the federal parliament ratified measures to improve the social security system for artists. On July 1<sup>st</sup> 2003, this regulation came into effect. The main points are:

- Artists are treated either as employees or self-employed for the purpose of social security. To compensate for their additional costs, employers are given a discount on their share of social security contributions.
- Those who rarely hire artists (e.g. for an occasional show in a café, a company commissions an artist to make a wall painting for its office, etc.) can apply to a so-called 'Social Bureau for Artists' to take care of the employer's share of social security costs. These bureaux must be recognised by the regional authorities.

- Child and holiday allowances for artists which are covered by the employees' regulation will be paid by the federal government. This will simplify the payment of allowances caused by working for different employers.

### **5.2.2 Tax measures**

#### ***VAT***

A new VAT system has been in force since 1993. This represented a new step in the harmonisation of the different systems in the European Union.

The VAT system is divided into two rates: a high rate of 21%, and a low rate of 6%. The low rate applies to most cultural objects (magazines, books, original works of art, collector's objects) and services (tickets for productions, copyright).

Belgian legislation allows for many cultural exemptions (Art.44, §2, 6-9°, VAT Code) including:

- the hire (renting) of objects of a cultural nature, if these are made available without a profit motive;
- visits to museums, (natural) monuments, botanical gardens and zoos which are not exploited for profit;
- services by performing artists for organisers/companies provided by actors, leaders of orchestras, musicians and other artists;
- the organisation of theatre, ballet or film productions, exhibitions, concerts or conferences by institutions recognised by the competent authorities, provided the income they gain from their activities is used exclusively to cover the costs incurred.

Such exemptions mean that there is no right to the deduction of advance tax. The exemption for performing artists with organisers/companies, was also extended to unions of performing artists such as theatre companies. In the spring of 1998, the VAT administration changed the interpretation of this latter exemption: from 1 April 1998, the exemption is limited to performing artists acting as a physical person (Letter no. 13 of the Minister of Finance, dated 19/11/1997). Therefore performances which are not given by individuals would be subject to the 6% rate.

The scope and application of this new interpretation remains very unclear. In fact, local VAT inspectors do not even appear to be aware of the position of the main administration, and sometimes refuse to allocate a VAT number to a theatre company applying on the basis of the Letter no 13. Sometimes local officials decide to make other activities subject to VAT, but not the sales for performances.

#### ***Income tax***

In some cross-border situations, the Belgium government is allowed to tax Belgians the income of non-residents. This depends, however, on co-operation agreements (double taxation laws) reached with the corresponding countries. For "foreign" performing artists, this system can lead to a deduction of company tax from the income which they earn for their performances in Belgium. This tax should be deducted by the Belgian organisers of the performances.

In 1992-1993, in partnership with a university centre, the French Community radically rethought the social and fiscal status of artists. This exercise concluded in a draft bill that has not been voted upon at this time. In effect, and since 1969, only show-business artistes enjoy a system that assimilates their performance to salaried work. The basic proposition of the draft bill was to broaden this system to include all artists and to levy employer

contributions (premiums) on the basis of a percentage of the turnover of the cultural institutions and bodies.

Although the social and fiscal status of artists has not yet been regulated by the Federal State, which is alone responsible for such matters, one must recognise the significant efforts made by the current government and the artists' associations to implement a common status for all artists, whatever their income or practice, whether creators or interpreters. In 2000, measures were taken to enable artists who receive unemployment benefits to be able to practise their art more freely, which hitherto has been prohibited by law.

## **5.3 Culture industries**

### **5.3.1 TV quotas**

#### ***Flemish Community***

The status, mandate, organisation and operation of the VRT is laid down in the Decree of 29.04.97 by stating that the VRT is to provide high quality provision of information, culture, education and entertainment. The management agreement concluded by the broadcasting company with the Flemish Community includes an obligation to broadcast annually two drama productions lasting thirteen weeks each.

Choirs and orchestras are no longer included in the key tasks of the public broadcasting corporation and have become independent.

#### ***French Community***

In entertainment-oriented programmes, whether on radio or on television, the RTBF must endeavour to give a significant place to French language music or scores. In terms of radio, the RTBF is mandated to broadcast at least 30% of its music in French. In terms of television, the RTBF is to ensure that at least 33% of its airtime is dedicated to works created or produced by French-speaking professionals.

Private radio stations are also obliged to broadcast at least 30% of their music in French.

The private French Community television stations are obligated to enter into co-production agreements on French-language works in at least 5% of their programming.

### **5.3.2 Language laws**

#### ***Flemish Community***

In 1980 the Dutch Language Union (Nederlandse Taalunie) came into being (see chapter 4.2.5).

### **5.3.3 Film or other promotion laws**

#### ***Flemish Community***

Flemish Community subsidies for film production, distribution and promotion are managed by the Audiovisual Fund in Flanders. International representation is organised by Flanders Image (see also chapter 4.2.7).

#### ***French Community***

See chapter 4.2.5 and chapter 4.2.6.

## **5.4 Copyright amendments**

### **5.4.1 Systems of author's rights / droits d'auteur**

The Minister of Justice is responsible for copyright legislation. The new Belgian Copyright Act was passed in 1994 and covers: copyright, subsidiary rights, copying for own use, borrowing and lending rights.

The protection of the Copyright Act is reserved for work which expresses a clear idea in a particular material form determined by the author, with an adequately original character. The copyright protects the work and the relationship between the artist and his work. The Act also makes a distinction between the author's moral and property rights.

### **5.4.2 Blank tape levies**

The Copyright Act makes a distinction between copying audio and audio-visual works for one's own use, on the one hand, and copying graphic works, on the other hand. The payment for copying audio and audio-visual works for one's own use should be paid by the manufacturer, importer or wholesaler of the carriers (audio cassettes, video cassettes, etc.) or reproduction equipment (video equipment, recorders etc.). The amount of the payment is determined by royal decree. The distribution of the payment takes place at a rate of 1/3 for each of the following: authors, the performing artists, and the producers.

For graphic works, fees are collected from the manufacturer, importer or wholesaler of reproduction equipment as well as the person making copies. This payment can also be made by the persons or institutions who make reproduction equipment available. The level of the payment, the method of collection and distribution and controls of these are arranged by royal decree. Half of the payment is made to the authors, the other half to the publishers.

### **5.4.3 Public lending rights**

The new Copyright Act recognises the right of the author to payment for the lending or loaning of his/her work with an educational or cultural aim. This payment will be determined by royal decree, but has not happened yet. The fact that this regulation must be passed at a federal level, but implemented by the Communities, is a possible reason for this delay.

## **5.5 Cultural heritage and properties**

### ***Flemish Community***

The Flemish policy is one of prevention. For example, subsidies are available to private owners in the event where their property, heritage item or protected monument can no longer be sustained by general maintenance, but requires scientifically supported restoration. Particular attention is given to the expertise of the restorers. (Decree of 3 March 1976, Decision of the Government of Flanders of 17 November 1993 and 29 September 1994).

Every year, taxpayers can deduct half of the expenditure for work on protected monuments for tax purposes, up to a maximum of 24 789 Euro (1992 Income Tax Code).

For more information, see the link list in chapter 9.2.

## **5.6 Legal incentives for private sector investment in culture**

The division of power between the federal state and the 3 linguistic communities does not help to achieve clear regulations for stimulating public-private partnerships (from a fiscal point of view).

The Federal Minister of Finance does have a regulation to make sponsorship attractive, though this does not apply to sponsorship for activities which can be seen as ordinary economic activity. Sponsorship often confronts subsidised organisations with complex VAT problems.

### ***Flemish Community***

On 16 June 2000, the Government of Flanders decided to promote the introduction of PPP projects (public-private partnerships) in Flanders, in as many policy areas as possible. However, this formula is only attractive for cultural projects with a degree of commercial profitability.

### ***French Community***

Data on the share of private sponsorship is not available. Belgian law makes no legal provision for genuine corporate tax deduction for investment in culture.

## 6. Financing of culture

### 6.1 Short overview

All levels and communities of government support culture: the Federal State (bicultural institutions), the Communities, the Regions (monuments and sites), the Provinces, the French and Flemish Community Commission of the Brussels Region- and the municipalities.

### 6.2 Public cultural expenditure per capita

According to a study made by the French Community, total cultural expenditure in 1999 per capita in Belgium was 245 euros including expenditure by the Flemish and French Community for non-professional art education (or 223 euros excluding this item). This amount includes inter-governmental transfers.

In 2003, cultural expenditure per capita in the Flemish Community was 119.20 euros for youth, continued education, libraries, arts, heritage monuments and sites, media and other cultural activities.

Expenditure per capita in the French Community was 108.69 euros in 2000.

### 6.3 Public cultural expenditure broken down by level of government

A study carried out by the French community states that the share broken down between the municipalities and the three Communities is more or less equal: 46% and 43.4% respectively. Since the domain of culture is federalised, the Belgian government provides only 3 percent of the total budget.

**Table 1: Public cultural expenditure broken down by level of government, 1999\***

| Level of government                      | Total million BEF | % share of total |
|--|-------------------|------------------|
| Federal State                            | 2 787.7           | 3                |
| National Lottery                         | 436.2             | 0.4              |
| Brussels-Capital Region                  | 596.4             | 0.6              |
| Flemish Community Commission in Brussels | 518.9             | 0.5              |
| French Community Commission in Brussels  | 343.8             | 0.3              |
| The 19 Communities in Brussels           | 3437.0            | 3                |
| Flemish Community                        | 25 552.5          | 25               |
| Flemish provinces                        | 2 902.0           | 3                |
| Flemish communities                      | 32 127.0          | 32               |
| French Community                         | 18 583.5          | 18               |
| Walloon provinces                        | 1 797.0           | 2                |
| Walloon communities                      | 9 895.0           | 10               |
| German speaking Community                | 360.3             | 0.4              |

Source: Bilan de la culture. Edition 2001. Ministère de la Communauté française

\*Including expenditure by the Flemish and French Community for non professional art education

## 6.4 Sector breakdown

### *Flemish Community*

**Table 2: Public cultural expenditure by the Flemish Community: sector breakdown, 2003**

| Field                              | Total<br>million euros | % share<br>of total |
|------------------------------------|------------------------|---------------------|
| Youth and sports                   | 54.4                   | 8                   |
| Continuing learning and libraries  | 133.5                  | 19                  |
| Visual arts and museums            | 26.4                   | 4                   |
| Music, literature, performing arts | 107.5                  | 15                  |
| General cultural policy            | 61.4                   | 8                   |
| Monuments and sites                | 60.1                   | 8                   |
| Media                              | 268.7                  | 38                  |
| <b>Total</b>                       | <b>712.0</b>           | <b>100</b>          |

Source: Budget 2003 of the Flemish Community. Vlaams Parlement, "Stuk 15 (2002-2003) – Nr. 13.

### *French Community*

**Table 2a: Public cultural expenditure by the French Community: sector breakdown, 2000 (including RTBF)**

|                                   | Total<br>million BEF | Total<br>million euros | % share<br>of total |
|-----------------------------------|----------------------|------------------------|---------------------|
| <b><i>General Secretariat</i></b> |                      |                        |                     |
| Audio-Visual Department*          | 7 517.2              | 186.3                  | 57                  |
| <b><i>Culture Department</i></b>  |                      |                        |                     |
| General Matters                   | 1 249.4              | 31                     | 9                   |
| Performing Arts                   | 2 294.5              | 56.8                   | 17                  |
| Books & Literature                | 590                  | 14.6                   | 4                   |
| Youth and Continuing Education    | 1 276.9              | 31.6                   | 9                   |
| Heritage and Visual Arts          | 310                  | 12.5                   | 4                   |
| <b>Total</b>                      | <b>13 238</b>        | <b>332.8</b>           | <b>100</b>          |

\*including BEF 6 603.6 million for RTBF

Source: French Community, Budget 2000

If the subsidy provided to the RTBF (ca. BEF 6.6 billion) is removed from the overall budget of BEF 13 238 million, the percentage share breakdown between the various sectors of the French Community is the following:

**Table 2b: Public cultural expenditure by the French Community: sector breakdown, 2000 (excluding RTBF)**

| <b>Field</b>                   | <b>% share of total</b> |
|--------------------------------|-------------------------|
| General Matters                | 20                      |
| Audiovisual (excluding RTBF)   | 15                      |
| Performing Arts                | 34                      |
| Books & Literature             | 8                       |
| Youth and Continuing Education | 19                      |
| Heritage and Visual Arts       | 4                       |
| <b>Total</b>                   | <b>100</b>              |

Source: French Community, Budget 2000

## **7. Cultural institutions and new partnerships**

### **7.1 Re-allocation of public responsibilities**

#### *Flemish Community*

The division of responsibilities between the Flemish government, the provinces and the municipalities varies depending on the sector. Some decrees contain clear regulations on the division of tasks, sometimes including financial quotas. This is the case for e.g. the city theatres, cultural centres and libraries.

In the coalition agreement of 1999, the Flemish government committed itself to work out an agreement with the provinces and the municipalities on tasks, responsibilities and models of co-operation. This is called the 'kerntakendebat' (debate on core responsibilities). On April 25<sup>th</sup> 2003, a principal agreement was made. Regarding the culture sector, the goal is to create arts and culture covenants between the Flemish government, on the one hand, and the cities of Antwerp, Bruges, Brussels and Ghent, on the other. This framework is still under construction, but it should relate to all aspects of arts policies, socio-cultural policies, and heritage. The first arts and culture covenants are scheduled to start in 2005-2006. As an experiment, heritage covenants between the Flemish government and a number of cities have already been worked out.

The principal agreement made in April 2003 implies that the provinces and municipalities will be involved in the process of changing regulations. This means that municipalities and provinces will be involved in the development of decrees on the arts and on heritage. In order to come to a good division of responsibilities, the Flemish government will negotiate with umbrella organisations representing municipalities and provinces on the international, Flemish, provincial and/or local character of institutes and organisations active in the fields of (moveable and immaterial) heritage, professional arts, social-cultural work and youth.

#### *French Community*

The French Community allocates a sizeable budget to the French Community Commission (FCC), which in turns delegates some of its responsibility to Brussels. This FCC is a public administration dependent upon the Brussels Capital region.

The French Community government has set up a management contract with the RTBF (public service broadcasting) which outlines its mission and annual level of support (which comes from the Ministry of the French Community (±BEF 6.5 billion of ± 162 460 000 euros). The audio-visual department of the French Community manages the funds allocated to the film and audio-visual centre.

There are no specific management or other partnership agreements set up which would provide incentive for foundations or other private sector bodies.

### **7.2 Status / role and development of major cultural institutions**

#### *Flemish Community*

Some large institutions in the field of the performing arts and music fall outside the existing regulations and decrees with the Royal Ballet of Flanders, the Flemish Opera, the Royal Philharmonic Orchestra of Flanders, the Flemish Radio Orchestra and the Flemish Radio Choir. The Flemish Community has concluded a management agreement with these institutions for which it is directly responsible.

### ***French Community***

The following institutions are subsidised by the French Community, more so than any other cultural operator within the Community and are specifically named in the decree.

- "Le Botanique" Culture Centre
- "Les Halles" European Culture Centre
- Charleroi Palace of Fine Arts
- National Theatre of the French Community
- Royal Opera of Wallonia
- Philharmonic Orchestra
- "Charleroi Dance" Choreographic Centre of the French Community
- Literature Archives and Museum
- Silverware Museum
- Grand Hornu Museum of Contemporary Art
- Mundaneum (Archive Centre)
- Media Library of the French Community

## **7.3 Emerging partnerships or collaborations**

### ***Flemish Community***

Since 1987, there has been a real increase in cultural sponsorship, with the period 1990-1993 as the high point. Since then, sponsorship levels have stabilised, the majority of funds directed to the fields of concerts and festivals of classical music, followed by art exhibitions. Private sector support for innovation, experimentation, small-scale events and amateur events are generally avoided.

### ***French Community***

The French Community is subsidising the "Promethea" Association, whose purpose is to create an interface between the cultural world and the economic world, mainly through sponsorship. This association is also the government's voice concerning all questions relating to the development of corporate patronage and private sponsorship.

## **8. Support to creativity**

### **8.1 Direct and indirect support**

#### **8.1.1 Special artists support schemes**

##### ***Flemish Community***

In addition to subsidies provided to arts organisations, there are also measures to stimulate the creativity of individual artists. Commissions are given out in the fields of music and the performing arts, for compositions and for plays, however under certain conditions. Bursaries are awarded to creative artists. The Flemish Community purchases works of arts for the collection of the Flemish museums of contemporary art and for its own collection. There is also a purchasing policy for literature. The Flemish Community, provinces and municipalities also award prizes.

In the provisional framework of the future arts decree, subsidies for artists are a special point of interest. Subsidies that are now only implemented in certain sectors will be expanded to others. Support is given in three ways: development grants for artists who already enjoy a certain degree of recognition; subsidies for artists' projects (creation, presentation or reflection) and subsidies to commission artistic works.

##### ***French Community***

In the French Community, the distinction between creation and creativity is identified operationally. By creation is meant the various forms of art that have acquired recognised status in their field and is defined by the works produced by professional artists or artists whose competence is recognised. In addition the government considers creativity to be the various forms of expression, most frequently artistic, but also other form of expression that contribute to individual or collective self-realisation. Creativity activities can be supervised by professional artists. The field of amateur artistic practice can also be considered as a dimension of creativity.

Cultural policies are essentially centred on aspects of creation: the performing arts, visual arts and literature. Aspects of creativity are mainly supported by the youth and continuing education sectors: recognition and subsidies are provided to associations whose activities are supervised by professional artists. These associations are also located in socially and economically disadvantaged areas.

#### **8.1.2 Support to professional artists associations or unions**

Information is currently not available.

#### **8.1.3 Grants or other schemes for artists**

##### ***French Community***

Scholarships are available for individual artists in the fields of the visual arts, contemporary literature and music. The Ministry of the French Community has an acquisition programme for works of art which are exhibited in the municipal or provincial museums, in art centres and in the buildings of public administrations.

Cinema: direct financial support is provided for writing (scenario) and for short, medium or full-length productions. In addition, the Ministry allocates support for creation and production via specific structures: reception and production units.

Contemporary theatre and dance: project grants are available for companies not regularly subsidised. Programme contracts are available for theatres. Emphasis is placed on young creators in the evaluation of applications for project funding and co-funding.

Music: in addition to the main institutions in this field, individual practitioners receive annual grants and project related funding.

New initiatives are being taken to create and develop artists' workshops and reception structures (theatre, dance, and cinema) and residences (mainly for the performing arts, but also for translation) in various cultural institutions.

## 8.2 Participation trends and figures

### *Flemish Community*

**Table 3: Share of people who participate in cultural activities at least once a year, 2002**

| Activity                       | % male respondents | % female respondents |
|--------------------------------|--------------------|----------------------|
| Professional theatre           | 29.8               | 39.0                 |
| Amateur theatre                | 33.7               | 40.9                 |
| Jazz/blues concert             | 18.1               | 13.4                 |
| Rock/pop concert, festival     | 32.7               | 29.3                 |
| Folklore/traditional music     | 28.7               | 26.0                 |
| Opera                          | 9.1                | 10.0                 |
| Classical concert, festival    | 34.4               | 36.4                 |
| Professional ballet / dance    | 11.3               | 19.3                 |
| Amateur ballet / dance         | 11.9               | 18.3                 |
| Museum / exhibition in Belgium | 55.0               | 56.0                 |
| Museum/exhibition abroad       | 62.0               | 61.7                 |

Source: APS-survey 2002. In: VRIND 2002, ministerie van de Vlaamse Gemeenschap, 2002.

Reading habits: 70.1% of the population sometimes read a book. On average, people read 4.9 books per year for work, and 11.6 books for relaxation.

28% make use of the library; 11.2% use the library intensively which means that they visit the library several times a month, or even weekly.

Visits to the cinema: After a decline in the early 1990s, the number of cinema goers is now increasing and more and more tickets are being sold. One sixth of the population goes to the cinema at least once a month.

### *French Community*

See chapter 6.4.

## 8.3 Programme or policy initiatives to promote participation in cultural life

### *Flemish Community*

In the Flemish cultural policy, culture participation and cultural competence have been a main point of interest for several years. The main targets are to reach new participants with

different social backgrounds and to make their involvement more profound. To achieve these goals, the Flemish government has initiated several projects and founded organisations such as the Stichting Lezen, a special foundation set up to promote reading.

There is a new budget line to promote cultural participation of (socio-)culturally deprived people (see chapter 4.2.1).

The Government has also introduced a youth programme which makes their participation in cultural activities more economical, for example the Cultural Youth Passport. Furthermore, the Minister of Culture has plans to introduce a system of cultural vouchers. This scheme mirrors the successful system introduced by the Flemish Community Commission in Brussels, and will be targeted primarily to groups of students at technical schools.

In 2001, a centre for communication, 'CultuurNet Vlaanderen' was set up. The aims are to promote cultural participation and to strengthen cultural knowledge, to centralise information about cultural activities, to inform people about these activities and to promote cultural activities abroad. This centre will function in close relation with the existing support centres in the different cultural fields and with the communication centres already functioning on a regional or local level. One of the first tasks of this centre is to set up an on-line database, covering the activities of the whole Flemish Community.

### ***French Community***

In general terms, the Cultural Pact Act imposes participation in the development and implementation of cultural policies via setting up of commissions and consultative councils bringing together, generally, the professionals of the relevant sector.

The boards of directors of the large cultural institutions are composed with Cultural Pact Act in mind and must accordingly be representative of the existing political situation either at the community level or at the local level, according to the size of the institution.

Certain sectors such as culture centres, cultural youth organisations and continuing education and cultural leisure organisations, centres of expression and creativity and youth centres are essentially centred on participation and active citizen involvement in cultural projects. This participation is freely and willingly organised by the cultural associations around collective cultural and corporate projects. A priority is defined for the associations and projects conducted by populations or social groups in social or economic difficulty. It aims to encourage the emergence of social recognition of popular cultures and marginal or minority forms of expression.

## **8.4 The role of amateur arts / cultural associations and centres**

### ***Flemish Community***

In 2000, there were 3 919 local clubs for amateur arts. The following is a breakdown of the number of associations according to activity: instrumental music (1 485) performing arts (918), vocal music (731), the visual arts (488) and dance (297). In comparison with 1992 figures, there has been a particular increase in the number of associations in the fields of performing arts and visual arts.

At the end of 2000, a new decree on the amateur arts was ratified. The aim was to counteract the fragmentation of subsidies among individual associations. The Flemish government will now subsidise only one umbrella organisation for each discipline.

The Flemish Centre for Amateur Arts is the support centre for amateur arts.

### ***French Community***

It is important to distinguish between the role of the cultural associations and the role of the amateur arts as these two cultural practices correspond to markedly different actions and forms of organisation.

The cultural associations play a qualitatively and quantitatively important role in the cultural dynamics of the community. Participation in associations (in addition to culture ones) are in general quite popular in the French Community. Cultural policies and public support for the arts and culture have tended, since the 70s, to be directed at professional activities including creation and dissemination on the one hand and cultural democracy (as youth and continuing education) on the other.

Amateur arts activities are essentially supported by umbrella organisations or federations that bring together local groups either at the community or provincial levels. Such federations are mainly in the following fields: music (musical societies such as brass bands, military bands and choirs) folklore (folklore dance groups) theatre and photography. Within the Ministry of the French Community (cultural sectors), support for amateur activities is currently given in terms of creativity

Cultural associations, on the other hand, have a far more active role. They take a lead in informing the public about current social issues, minority rights and claims; cultural issues in public and political debates, support cultural and artistic productions and dissemination, schedule training workshops and artistic/creative activities.

## 9. Sources and links

### 9.1 Key documents on cultural policy

Anciaux, Bert: *Beleidsnota Cultuur 2000-2004*. Brussel, 1999.

<http://www.wvc.vlaanderen.be/cultuur/en/culturalpolicy.htm>

Elchardus, Marc; Huyse, Luc; Hooghe, Marc (red.): *Het maatschappelijk middenveld in Vlaanderen*. VUBPress: Brussel, 2001.

Gielen, Pascal: *Esthetica voor beslissers - aanzet tot een debat over een reflexief cultuurbeleid*. Uitgeverij Lannoo Tielt, ministerie van de Vlaamse Gemeenschap Administratie Cultuur, 2001.

Laermans, Rudi: *Het cultureel regime. Cultuur en beleid in Vlaanderen*. Uitgeverij Lannoo nv, Tielt en het Ministerie van de Vlaamse Gemeenschap, Administratie Cultuur, Brussel, 2002.

Laermans, Rudi; Lievens, John; Waeye, Hans (Red.): *Cultuurkijker. Aanzetten voor cultuuronderzoek in Vlaanderen*. Steunpunt Re-creatief Vlaanderen, uitgeverij De Boeck: Antwerpen, 2003.

Ministerie van de Vlaamse Gemeenschap: *VRIND 2002, Vlaamse regionale indicatoren*. Ministerie van de Vlaamse Gemeenschap, 2002.

### 9.2 Web links

#### *Flemish Community*

#### **Culture/arts portals**

Centre for film and audiovisual

<http://www.cfwb.be>

#### **Cultural policy making bodies**

Walloon Region: Department of Town planning, Housing and Heritage- Heritage Division: Protection, Restoration and Archaeology

<http://www.gov.wallonie.be>

Web site of the Flemish Community

<http://www.wvc.vlaanderen.be/cultuur>

#### **Grant-giving bodies**

Stichting Vlaams Erfgoed (National Trust)

<http://www.monument.vlaanderen.be>

#### **Cultural statistics and research**

Consortium of Cultural Researchers

<http://www.re-creatievlaanderen.be>

Cultural Statistics – Flanders

[http://aps.vlaanderen.be/statistiek/cijfers/stat\\_cijfers\\_cultuur.htm](http://aps.vlaanderen.be/statistiek/cijfers/stat_cijfers_cultuur.htm)

Flemish centre for Cultural Communication

<http://www.cultuurnet.be>

General Commission for International Relations

<http://www.cfwb.cgri>

Help Desk on Management Aspects of Culture

<http://www.helpdeskkunsten.be>