



Contribution on the Consultation on Digital for Cultural Heritage

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Introduction

Pearle* - Live Performance Europe represents through its members' associations the interests of more than 10,000 theatres, theatre production companies, orchestras and music ensembles, opera houses, ballet and dance companies, festivals, producers, comedy, circus, storytelling and other organisations within the performing arts sector across Europe. This includes profit as well as non-profit organisations, ranging from micro-enterprises to companies over 250 employees.

Pearle* welcomes the opportunity to contribute to the consultation on Digital for Cultural Heritage. It is regrettable in this context that the online questionnaire mostly focuses on tangible heritage and only marginally allows to address the needs of sectors working in the field of the intangible heritage such as the live performance. With this paper, we aim to rebalance and broaden the discussion around cultural heritage in view of the revision of the 2011 recommendation on the digitisation and online accessibility of cultural material and digital preservation, allowing the tangible as well as the intangible cultural heritage to be on equal footing.

In 2016, Pearle* has started to liaise with the tourism sector on the one hand and the cultural heritage sector on the other hand with the aim to join forces and promote European Cultural Heritage.

Pearle* is a member of the Commission expert group on cultural heritage and took an active part in preparing the 2018 Year on Cultural Heritage (EYCH), working closely with members as well as other sectors (such as the tourism and heritage sector) to discuss actions related to the EYCH. At the European cultural heritage summit held in Berlin in June 2018, we

organised a panel discussion on *Creating a Shared Heritage in the Live Performance with Audiences of Today and Tomorrow*.

Cultural Heritage and the live performance

Today, it is understood that cultural heritage is an intrinsic value of live performances. In the sector, tangible heritage refers to historical sites, buildings, technical facilities and equipment, scenography as well as artefacts such as costumes, objects, musical instruments, props and books. Intangible heritage refers to traditions, poetics, knowledge and skills in and around live performance, and at the same time to oral performances, rituals or folk celebrations. There is also an endless number of examples of cultural heritage containing both tangible and intangible value.

In the last decades, Pearle* - Live Performance Europe has monitored developments related to cultural heritage and encouraged national member organisations to get involved in campaigns with the aim to protect and safeguard intangible cultural expressions. Since then, a high number of performing arts practices have been listed by the UNESCO, such as puppetry theatre in Slovakia and the Czech Republic, the German theatre and orchestra landscape, different music practices and traditional dances from ethnic minorities all over Europe.

When it comes to building up a shared identity, there is a significant potential for Europe to tap in. A rich tradition of the live performance – including artistic plays, live events, music composition, storytelling and dance traditions but also technical skills in theatres, costume making, creation of puppetry, etc. – contributes to Europe's cultural history and in this sense helps to shape a sense of belonging.

While tangible and intangible heritage make a decisive contribution to learning about the past, for live performance organisations the notion of a "living heritage" is essential: a source of inspiration for performances created at the present time, which later in time might become the heritage of the future. This contemporary aspect of heritage has yet to be included in EU policy and programmes.

Furthermore, with the aim to preserve, continuously develop and give better visibility of our shared immaterial cultural heritage, performing arts and music organisations build up digital archives of their performances. On this issue, Pearle* provided several trainings to its members in the context of the European EFA-RISE project (funded under Creative Europe).

The definition of Cultural Heritage at EU level

For a long time, the debate on Cultural Heritage focused on (touristic) sites and monuments. This has changed in the last years and throughout the debates in the stakeholder group on the EYCH, set up by DG Education and Culture. Pearle* welcomes this broadening of the discussions at EU level.

However, it must be noticed, that in the context of EU policy making, there is still a lack of consistency regarding the definition of “cultural heritage”. While DG EAC, in charge of organising the expert group on cultural heritage, embraces both aspects in its understanding: tangible and intangible cultural heritage, other Directorate Generals solely focus on the material aspect of cultural heritage. This narrow definition has an impact on funding available to the cultural sector through different schemes, such as research and innovation programmes or the structural and cohesion policy funds.

Pearle* therefore calls on the Commission as a whole to consider both aspects, the tangible and intangible heritage in its policy making and take into account the internationally acclaimed definition of heritage (UNESCO, Council of Europe) in the meaning of a heritage that ensures cultural diversity, on the one hand, and a universal cultural value, on the other hand. In this way, more space is made available for intangible cultural heritage as equally important as tangible heritage.

Cultural Heritage in the context of the 2011 Commission recommendation

Taking into account the above and in follow up of the work that has been done in the expert group during the last years, we urge the Commission to broaden the definition of cultural heritage in the revision of the 2011 recommendation on the digitisation and online accessibility of cultural material and digital preservation (article 1 Digitisation: organisation and funding) in the following way:

- **Include the notion of intangible heritage referring to means of expressions such as live performances and events**
- **Broaden the definition of the tangible heritage to include a wider range of cultural sectors producing, restoring and preserving “cultural material”. For the time being, the recommendation’s scope is limited to tangible heritage in certain sectors, referring to collections of museums, galleries, libraries, monuments, historical buildings and archaeological sites**

In the context of the live performance, a broadened definition would include intangible heritage such as theatre plays and opera, ballet and dance performances, concerts, music performances, circus, storytelling as well as mixed forms of expressions in contemporary performances. As to tangible heritage, this should include equipment, scenography, costumes, props etc. as well as historical theatre buildings and sites.

Digitisation and the impact of the Corona pandemic

In general, digital technologies and tools can support the live performance sector in a variety of fields such as education, community building, widening the audiences and including different groups of society. They can also provide a better understanding of the process of the making of a performance. Nevertheless, the audiences request the unique

experience of a live event – appealing to all the senses and creating a special exchange between the artists and the audience which can hardly be replicated online.

The live performance sector has been, and still is one of the sectors the most hardly hit by the pandemic with nearly all live events (within and outside the EU) being cancelled during lockdown. At the same time, live performance organisations and artists turned the crisis into new opportunities for creative expression and an expansion of audiences¹.

The shift to online concerts, theatre pieces, opera and festivals during this period has raised questions about new possibilities of sharing creative content online, as it has led to the emergence of a wide range of new forms of presentations online and different platforms sharing and streaming performances and shows.

With the aim to find new ways of working and connecting to the audiences, organisations in the live performance and artists tested numerous formats to share live events, starting from short pieces of performances by individual artists to bigger (live) shows and concerts of orchestras, music groups, dance ensembles or theatre companies.

Making use of digital technologies to overcome the difficulties posed by social distancing, and the access limitations for venues and live events, some organisations have started to propose hybrid/blended concerts which are played live for a restricted audience and at the same time streamed online.

Live events and archive material put on new platforms were, at the large majority, available for free as an act of solidarity in these times of crisis. Only occasionally access was linked to a paying service. For the sector it is crucial to explore business models which can be based on a fair-minded approach with the aim to achieve a balanced economic outcome between all actors involved – right holders, the live arts organisations that produce and stream the concert or performance and consumers. Unlike other media, such as broadcasters, tv production, record companies, publishers and others, live performance organisations cannot earn income from a neighbouring right. Apart from Germany, neither in other EU member states, nor in the EU copyright legislation a producers' right for live performance organisations is included. The pandemic has made clear that this is a missing gap in the European copyright acquis.

A second obstacle for live performance organisations putting their shows and cultural material online is the time-consuming process to clear all copyrights and neighbouring rights for an online (live) event, as especially for huge productions a multitude of right holders from different countries is to be contacted before creative content can be shared.

Information collected from members in the past months reveals that a rewarding business model is needed to incentivize a shift to digital on a long-term basis and allow for those organisations to - at least - earn back the investment of recording, editing, streaming. We

¹ As an example: the Platform [OperaVision](#) run by Opera Europa and co-funded by Creative Europe which streams performances and delivers background information to the scheduled events, registered an increase of visits of 400% in March/April 2020, following the lockdown and cancellation of live performances.

stand ready to discuss lessons learnt from this period with the European Commission as well as Member States authorities.

Conclusions

Pearle* strongly advocates the revision of the Cultural Heritage definition underlying the 2011 Commission recommendation, and the broadening of the scope to address the needs of all cultural sectors working in the intangible and the tangible heritage field.

In that sense, we call on the Commission and on Member States to take the following demands into consideration:

- Including the **notion of intangible heritage** referring to means of expressions such as (live) performances and events
- **Broadening the definition of the tangible heritage** to include a wider range of cultural sectors producing, restoring and preserving “cultural material”, as for the time being, the recommendation’s scope is limited to tangible heritage in certain sectors
- Supporting the cultural sectors in **setting up digital platforms and tools** to develop new ways of disseminating creative content and address new audiences

In general, we urge the Commission to **recognise the immense wealth of intangible heritage of music and performing arts in future policy proposals and support schemes** and by definition include both aspects, the tangible and intangible cultural heritage in relevant EU policy making.

Further reading:

2018 Pearle* publication on [Cultural Heritage in the live performance](#)

[Pearle* contribution to the legacy of the EYCH](#)