

**EUROPEAN PARLIAMENT**

**DIRECTORATE-GENERAL FOR RESEARCH**

Working Paper

**The situation of the circus  
in the EU Member States**

Education and Culture Series

EDUC 111 EN



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## **Foreword**

In March 2002, the Committee on Culture, Youth, Education, the Media and Sport of the European Parliament asked the Directorate-General for Research (DG IV) to draft a report on the situation of the circus and circus artists in the European Union (EU) Member States with the aim of facilitating a better understanding of the situation of the circus in the EU from different perspectives: circus as a business, circus as an art form and circus as a family and way of life.

The paper is divided into three parts. Part I analyses the situation in each country, as far as data was available, with regard to the following questions:

- a) History and current situation;
- b) Legislation on circus businesses;
- c) Financial subsidies;
- d) Vocational training in circus arts;
- e) Legislation on circus artists and workers, working conditions, and health and safety issues;
- f) Social security regulations;
- g) Pre-school, primary and secondary education for the children from circus families;
- h) Current debates or future plans.

Part II focuses on EU initiatives on three important factors for circuses in the EU: free movement of circuses and artists, social security co-ordination and the education of children from circus families. Part III describes European co-operation and the networks within the circus sector.

The study has been conducted with the collaboration of EFECOT, the European Circus Association, the European Agency for Safety and Health at Work in Bilbao as well as organisations, associations, circuses, artists and official bodies related to circuses in the following EU Member States: Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, and United Kingdom. We regret that for technical reasons it was not possible to include Greece.





## Comparative Summary

### 1. History and status of circuses in Europe

The International Association of Circus Historians defines the term 'circus' as 'the meeting point between an organised artistic programme and a musical company, with acts of acrobats, clowns and tamers of wild and domestic animal performing inside an oval-shaped esplanade' (Schulz, 1988). In more general terms it can also be defined as 'a travelling company, which performs a versatile artistic programme inside a large ring-like tent or building' (Scientific Council, Duden editorship, Duden 1997).

For centuries the enchantment of the circus has captivated audiences around the world. For example, the Ancient Egyptians paraded exotic animals through the streets, Romans used their amphitheatres to stage games not unlike some of today's performances. Throughout Europe in the Middle Ages, jugglers and acrobats amazed crowds with feats performed on church steps or in public markets.

The circus as we know it today dates back to about 1770 when Philip Astley, an English sergeant and riding instructor, set up a small arena near Waterloo Station in London. Astley presented a variety of acts including horseback riders, tightrope walkers, jumpers, acrobats, jugglers and clowns. Over the next 50 years other people imitated Astley's example and circuses sprang up all over Europe. Antonio Franconi, a Venetian who had worked with Astley, opened the first French circus in Lyon on the eve of the French Revolution. The circus continued to expand throughout the 19th century in Switzerland, Austria, Germany, Italy, Sweden and was to have its moments of glory in France with, for example, the *Cirque Médrano* or *Cirque d'Hiver*.

The early 20th century in Europe brought with it not just the circus tent but also 'technical' innovations such as sawdust, and tents with several rings, together with new, different kinds of circus performances, such as dressage and acts featuring exotic animals. The traditional kind of dressage and equestrian acts tended to give way to acrobatics, now treated as a separate discipline. These acrobatic feats became the 'sensations' that were essential to any circus programme, especially in the years following the First World War. During the 20th century the circus encountered many difficulties in Europe since the World Wars had dispersed many circus companies. Despite a comeback in the 1950's, the circus had to face competition from cinema, television, amusement parks and other forms of entertainment, and suffered a decline in public interest. Within this context, the circus became identified with children's entertainment, and was not recognised as an art form.

However, the circus has survived. Circus families have managed to pass on their skills from one generation to the next. At the same time, in the last twenty-five years, new forms of circus which are enjoying great success have been appearing, and public interest has increased. There is a new perspective to the circus, that of taking skills into different areas of artistic expression. Contemporary circus or, as it is known colloquially, "new circus", differs from the traditional circus in certain respects. Animals are not used, and there has been a move away from the circus being a family-business. Instead, there is now a more artistic approach to performances and collaboration with other arts, such as drama, theatre and dance. This "new circus" has attracted new audiences and other groups of people who had never visited the circus before. This phenomenon is raising further interesting points about the role of the circus in the contemporary arts environment and reclaiming circus "for its own sake – an art

form in its own right” (Matt Costain, 2001)<sup>1</sup>. As a result, the circus is receiving more recognition as a cultural art form within some EU Member States, and the demand for education and vocational training in the circus arts has increased. Some countries in the EU focus on the “new circus” (France) whilst others try to preserve the “traditional circus” (Denmark and Belgium), but in most of Member States both forms co-exist. “Re-inventing circus should not mean rejecting tradition as we could lose out on a wealth of talent” (David Hibling, 2001)<sup>2</sup>.

Within Europe, France is considered to be one of the main countries for circuses and a model for the other European countries. In France, all forms of the circus co-exist, public support for new and traditional circus arts is very strong, and there is also a national circus school.

It is difficult to give exact figures on the number of circuses and artists in Europe. It is estimated that there are between 600 and 1000<sup>3</sup> circuses in the EU, but the figures differ considerably from one country to the next and also from year to year. The highest number of circuses can be found in Germany, with around 450, next comes France with 300, Italy with 150 and the United Kingdom with 45. Spain has around 30 circuses, Sweden 20, the Netherlands 13, Denmark 20, Ireland 4 and Finland 3. These figures are only approximate. Due to their high mobility and lack of organised, representational structures, it is difficult to provide a more precise figure. An additional difficulty is down to the lack of a clear definition of “circus”. The term “circus” encompasses “an enormous range of activities” (Dorothy Max, Circus Arts Forum), especially with the development of the “new circus” within the last twenty years. It includes large and small-scale circuses, and touring circuses, not all of whom possess a tent – i.e. festival circuses, street circuses, circuses performing at corporate events, community circuses, youth circuses, children's circuses, training centres, circus schools, etc.

## 2. Legislation on circuses

All circuses in the EU Members States are private independent enterprises.

In most Member States, the Ministry of Culture deals with matters relating to circuses. In some countries there is a special department for the circus (France and Italy) but in most cases, the body responsible for theatre and drama covers the circus. In other countries, including Spain and Denmark, ad-hoc working parties on the circus have been created, in order to give an overview of the situation and the problems affecting the sector. These working parties have suggested, in principle, that the circus should be legally regarded on an equal footing with the theatre.

Generally speaking there is no specific law governing circuses. The circus business is usually affected by legislation on other areas, such as entertainment, infrastructure, transport, equipment, artists, mobility, public gathering, fire precautions, and animal welfare. Italy is the only country where a special law has been enacted (in 1968) governing circuses and fairgrounds, thus recognising the social value of the circus, and supporting its development and improvement by the creation of a special fund (*Fondo Unico dello Spettacolo*). In Italy, circuses are also divided into categories, depending on the number of employees, shows, and the size of the tent. New Italian legislation updating the law of 1968 is currently being drafted, in order to introduce measures better suited to the present-day needs of circuses.

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<sup>1</sup> Presentation by Matt Costain (artistic director of The Generating Company) at the 2001 *Circus Open Forum* in London.

<sup>2</sup> Presentation by David Hibling (artistic director of Zippos Circus) at the 2001 *Circus Open Forum* in London.

<sup>3</sup> Data from EFECOT, 1996.

Most of the regulations that apply to circuses are enacted at regional and local authority level. It is usually the local government who makes the relevant decisions regarding where best to locate the circus and gives the necessary permission for the number of shows, exactly when they will take place, etc. This differs from one local authority to another and usually means that circuses require numerous permits and licences. This often leads to a lack of common standards as regards to the provision of services or costs charged to circuses. In this sense, local authorities in most EU countries are seen as having the most important links with the circus. The circus community often regards this relationship as rather problematic. Reasons for this include, in their view, the need to require numerous licenses and permits, high costs, a lack of recognition of the circus as an art-form, inadequate locations, no basic services, and a general lack of support from local authorities. Furthermore, local authorities in some countries are perceived by the circus sector as inflicting constraints on a circus' development. Often, this also depends on the size and reputation of the circus - small circuses tend to have more problems than large circuses but famous circuses have problems in meeting costs and obtaining permits.

### 3. Financial support and subsidies

Public support and subsidies for circuses vary among the Member States. In some countries the circus is considered a cultural activity (Italy and France, Portugal), while in others it is viewed as a business (Germany, Austria and Denmark). As a result, in countries such as Germany, Denmark, Luxembourg and the Netherlands, there is no state-donated financial support for circuses – although in some cases there is support for the education of circus children. In Spain, Italy, France, and the UK, the circus is recognised as a form of culture and therefore receives public support and funding through the Ministry of Culture. Specific bodies may be created to deal with circuses (France, Italy) or it may be included in the theatre/drama department (Spain, the UK). In Finland, they have a unique situation that there exists of a sub-committee for Circus Arts subordinated to The Ministry of Education. In Denmark, an ad-hoc working party on the circus, created in 1996, recommended that the circus should be recognised as a cultural amenity. However, the circus business sector in Denmark states that they wish to remain independent and do not require the involvement of the state. As a result, they opted for support via tax reduction policies, rather than by receiving direct financial support. Special fiscal measures do not usually apply to European circus companies. At the European Circus Association meeting of February 2002, circus directors claimed that the state should impose lower taxes on circuses<sup>4</sup>. Only in Italy has there been significant support via taxation through foregoing entertainment taxes which in turn has reduced ticket prices. In Germany, circuses do not have to pay vehicle tax and in Sweden circus performances, as other cultural performance, are subject to a reduced VAT.

In general, when funding is available, support is provided for the creation of new employment, infrastructure, equipment, national and international touring, performances, creativity, etc. In some countries, such as Belgium, incentives are also given to preserve self-employed traditional circuses. In France, additional support is provided to those willing to innovate and educate. France and Italy are by far the most dedicated countries towards the circus in terms of financial support. In France, EUR 4 million was allocated to circuses in 1997– of that, EUR 2.4 million was dedicated to circus schools. Similar amounts in 2002 are available in Italy from the *Fondo Unico dello Spettacolo* (entertainment fund). In the UK, support for both the circus and street arts amounted to £1 million in 2002. In the remaining countries, subsidies are relatively lower: in 2001, Spain dedicated EUR 304,000 to circuses

<sup>4</sup> European Circus Association: *Bericht*, March 2002. (Report on the meeting held in February 2002 for the preparation of the creation of the European Circus Association).

and in Belgium, the French community put forward EUR 496,000 and the Flemish community EUR 173,525 for 2002.

#### **4. Circus artists and workers**

In general the core of a circus business consists of one or more families who have worked in the circus environment for several generations. In addition to the family core, circuses can employ circus artists and collaborators, including technicians, chauffeurs, etc. (EFECOT, 1989) Employment in the circus is generally determined by the finances available. However, with the onset of the 'new circus', other forms of circus businesses have developed which involve self-employment and the hiring of artists and technicians from outside the family on a seasonal basis.

Most of the time it is very difficult to give both the exact number of people working in European circuses and collate information on labour conditions and health and safety issues. According to the data available, the number of circus workers ranges from 5,000 artists and technicians in Italy to 250 artists in Denmark.

In most European countries, circus performers qualify for artist status. This means that in certain countries such as France, Belgium, Luxembourg, and Spain, circus artists will be covered by special labour regulations that are also applied to artists. However, this is not the case for circus technicians.

In most European countries, circus work is characterised by temporary and seasonal employment, as well as by a large amount of travelling. Artists and employees of circuses are usually of different nationalities which helps render the circus “an international society” (Ludo Knaepkens, 1989). “Circus embraces different cultures, (and) involves people from different backgrounds working together” (Carol Gandey, 2001)<sup>5</sup>. There are complicated rules hindering the migration, employment and movement of non-EU workers within the EU, and in some cases this gives rise to illegal employment within the circus. However, in Luxembourg, legislation allows for circus staff to work without a work permit, as long as they stay in the country for no longer than one month. In Italy, for example, it is common for employees from non-member States to be only permitted backstage jobs.

As regards social security and welfare benefits, in the majority of EU Member States circus workers and artists are covered by national social security schemes. In some other countries there are special schemes for artists, including circus performers. Various examples include an artist's social security scheme in France and a special artist's pension fund in Italy.

#### **5. Health and safety<sup>6</sup>**

##### *Applicable regulatory framework*

In all Member States the applicable OSH (Occupational Safety and Health) regulatory framework is the same as that which covers all types of workers and transposes European Directives.

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<sup>5</sup> Circus Open Forum, 2001.

<sup>6</sup> Received in June 2002: Replies to the information request on health and safety provisions concerning circus from the European Parliament – **Overview of responses** (Not information available from France, Italy, Sweden and Luxembourg). Coordinator: European Agency for Safety and Health at Work, Gran Via 33, Bilbao, E-48009 Spain, William Cockburn, Network Secretariat, ([cockburn@osha.eu.int](mailto:cockburn@osha.eu.int), <http://agency.osha.eu.int>).

*Specific OSH provisions for circuses*

There are no specific OSH provisions for circuses reported in any of the replies - except for Germany and Spain, where the specific rules applying to circuses are laid down respectively in the BG provisions and in a *Royal Decree approving the general regulation governing public entertainment and recreational activities*.

In other Member States there are regulations at municipal level, such as permit requirements, for certain activities.

*OSH provisions covering visitors*

Protection of visitors is expressly mentioned above in the German provisions and the Spanish Decree.

In Austria, Belgium, and Finland, various public-safety laws regulate visitor safety.

In Greece and Portugal there are specific provisions relating to public health and the transportation of animals.

In Ireland and the UK, the protection of visitors comes under the general health and safety legislation.

*Inspection problems*

Austria has encountered problems in penal charges against circuses whose headquarters are in another country.

No other member state mentioned problems with inspection.

*OSH provisions preventing performance of non-national circuses*

No specific obstacles are reported, but all circuses would be expected to comply with the relevant national OSH provisions in the same way as national circuses.

**6. Circus schools**

In the past the education of future artists (often children) was undertaken within the circus itself as part of the family tradition. Therefore, circus schools hardly existed within the EU, in contrast to Eastern Europe, where there were state circuses and circus schools.

The first circus schools in Western Europe were founded in the 1970s and 1980s on the initiative of circus and film artists. With the development of the “new circus” in the 1970s, there was a need for training and education of circus artists both because young people from outside the traditional circus environment wished to become circus artists and because the content of circus performances was changing. In this context, circus vocational training plays an important role in the development and innovation of the sector. The circus “can only retain its identity by continuing to promote/present highly skilled performance” (Carol Gandey, 2001). “Schools and training programmes give rise to new alternative forms of circus that continue to be performed” (Chris Barltrop, Moscow State Circus)<sup>7</sup>. The importance of training in the circus arts has been recognised in France, where there is core funding for its main circus schools and support for its National Circus. At the 2001 *Circus Open Forum* in

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<sup>7</sup> Refract international meeting in London, May 1999.

London, Carol Gandey, producer of *Cirque Surreal* and *Moscow State Circus*, declared that circuses need performers who value skill alongside artistic presentation, good rehearsal facilities, performance areas, centres of excellence, funds, producers and a high profile<sup>8</sup>.

In general, methods of training can either be accredited or non-accredited. In some EU Member States there are professional circus schools which provide an officially recognised diploma and receive state support. These include the *Centre National des Arts du Cirque* in France, the *Accademia del Circo* in Italy, the *Staatliche Ballettschule Berlin und Schule für Artistik - Fachbereich Artistik* in Germany, the *Ecole Supérieure des Arts du Cirque* in Belgium, the *Circus Space*, *Circomedia*, *Skylight Circus Arts* or *Zippo's Academy* in the UK and the Performing Arts programme at *Turu Polytechnic School* in Finland. However, these schools do not admit many students from circus families, as they sometimes find the selection criteria and fees hard to meet.

In France, there are 100 additional schools licensed by the FFEC and the state to teach circus skills, and between 4000 and 5000 places where there is some sort of circus training. In Finland in 1992 there were 11 schools which taught circus skills and approximately 20 circus clubs in comprehensive schools. Two schools on secondary level and one on tertiary can be found in Portugal. Sweden offers a two-year post-secondary programme. In the UK, special attention is also given to youth and community circus schools and the development of circus skills within education, youth and community work. In countries such as Spain, the Netherlands, Denmark and Austria, there are fewer circus schools and they are not officially recognised by the state as forms of professional or vocational training. Experts in these countries strongly recommend the establishment of professional circus schools that grant recognised qualifications, as these are crucial for the development and survival of the country's circus.

Subsidies and grants for students wishing to attend a circus school are not provided in all EU Member States and this impedes the mobility of potential artists who wish to attend a circus school in another Member State. France has an incomparable system of aid for circus arts training, including subsidies to circus schools, research grants, grants to students, and aid for professional training, which amounted to EUR 2.4 million in 1997. The UK provides some support, usually in the form of grants and awards to students who wish to attend circus schools. Other challenges faced by most of these schools are related to human resources, together with the need to train the coaches and teachers. Only in France is there a recognised specialised diploma for circus arts trainers, the BIAC examination.

## **7. Education of the children of circus families**

Access to education for children from circus families is complicated by a nomadic lifestyle. Circuses have a particularly long travelling season, lasting nine to eleven months, compelled by economic and business pressures, and consequently there can only be a very brief stay at the winter base, if at all. The situation differs from country to country. Whilst in some countries circuses remain for the winter season in one place, in others, such as Spain and Italy, circuses move around throughout the whole year. Despite this, parents are generally very keen for their children to receive a sound and satisfactory education.

The education system is normally designed to meet the needs of the sedentary population and therefore travelling children encounter many difficulties in taking full advantage of the education system. Attendance becomes very irregular and the quality of education is low. Specific provisions for the education of travelling children, including circus children, are only

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<sup>8</sup> Dorothy Max Prior, *Report Circus Open Forum*, 23 October 2001.

available in a small number of Member States. The 1989 *Council Resolution on School Provisions for Children of Occupational Travellers*<sup>9</sup> (viz ANNEX I) and the Commission's support for projects aimed at improving educational access for travelling children were very important in the development of such provisions.

Children of travelling parents have four main options: changing schools as they travel, distance learning, boarding schools or travelling schools. In Spain, the UK and the Netherlands, there are specific provisions and support programmes in use for these children, that include distance learning materials, support teachers, mobile schools and IT facilities. However, the situation is far from ideal. Italy has no specific provisions and in Germany, the situation is extremely difficult, as school education does not fall within the jurisdiction of central government. Furthermore, every German state is responsible for its own education policy, although some proposals are being currently considered. In Belgium, a decree providing a policy for the education of traveller children will be in force from September 2002. The situation also greatly depends on the size of the circus, as only large circuses can afford to pay for a mobile teacher (France) or can apply for state support (Spain). It is very difficult to control the attendance and quality of education for circus children; especially those of small circus families or those who are working for different circuses and who often have to travel.

Since its creation in 1988, EFECOT has been denouncing the many problems that circus parents face if they want their children to receive a good-quality education, and has emphasised the need for European-wide action. In addition, the Commission presented a report in 1996 on the overall situation and the implementation of the 1989 Council Resolution provisions that recognised the growing problems in educating circus children within the EU. Today, despite the fact that access to primary education for circus children has been considerably improved, pre-school and secondary education remain of great concern in most Member States.

## 8. Copyright

The issue of copyright is an important factor for circus artists. A 1992<sup>10</sup> Council Directive *On Rental Right and Lending Right* extends the protection of intellectual property to performing artists, although no specific reference is made to circus artists. However, the definition in Article 3 of the 1961 Rome Convention, *For the Protection of Performers, Producers of Phonograms and Broadcasting Organisations*, could be interpreted as including circus artists: "performers include actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, or otherwise perform literary or artistic works"<sup>11</sup>. Article 9 concerning Variety and Circus Artists of the same *Rome Convention* states: "Any Contracting State may, by its domestic laws and regulations, extend the protection provided for in this Convention to artists who do not perform literary or artistic works". In 1980 UNESCO advised the Member States "to provide, to the extent possible, for a system guaranteeing the exclusive moral and material rights of artists (...); this means, in particular, establishing rights for performers, including circus and variety artists" (Article 6b). At the WIPO (World Intellectual Property Organisation) Diplomatic Conference held in 1996 the possibility of extending the Rome Convention to circus artists was discussed. However, no such decision was taken. In France, the UK and Belgium, circus artists are covered by copyright protection

<sup>9</sup> OJ C 153, 1989.

<sup>10</sup> Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 346, 27.11.1992).

<sup>11</sup> Interpretation according to Mr Andries, Intellectual Property, DG Internal Market, European Commission.

under “performing artists”. In Germany, circus artists can have some protection as artists. Dr. Adrian Steiner (European Colloquium on Circus Culture November 2001) explains that there is a “problematic area of protection” for circus artists and the creative arts, and this can only be determined on a case-to-case basis. A production has to be individual and not of public property in order to qualify as a work of art protection. A distinction is made here between the artist as a performer and the artist as a creator. According to Adrian Steiner, the higher the lack of technicality, and the larger the room for the artist to give shape to them “and thus the protectability of a trick”. Therefore, the problem of protection is not so severe in the area of contemporary circus, which combines with other art forms. In addition throughout most of Europe there is the problem of the lack of legal protection for the circus trade name.

## **9. Animals**

The debate between new and traditional circus includes discussions on the use of animals in performances. The UK is one of the leading countries lobbying against the use of animals in circuses. The main arguments centre on conditions of the cages in which animals are confined for most of their lives, the travel patterns of circuses, and their training practices. From this viewpoint, “the nature of circuses is such that they cannot provide the facilities necessary for the well-being of their animals” (Animal Defenders, 1998). At the first meeting of the new *European Circus Association*<sup>12</sup> this issue was given particular attention. It was stated that circuses should be allowed to work with animals, which are confined and transported in good condition, and that this should be formulated within the European framework.

## **10. EU initiatives and free movement**

It is important to take into account “the territorial imperative of different aspects of the circus community” (Stewart McGill, 2001)<sup>13</sup> and, therefore, the issue of mobility, which is in itself one of the main features of circuses. Mobility implies movement, often across foreign borders, of circus enterprises, families, workers, performers and even animals. The international mobility of the circus shows the importance of viewing the situation of the circus from a European perspective and to consider EU policies in this field. In this regard, the study has focused on EU initiatives on the free movement of circus artists and workers, social security provisions, and the education for children of circus parents.

“Under Community law there is no specific provision for circus workers, as the general rules will apply to them. However, a distinction is drawn between workers and the self-employed or service providers. The relevant legislation for workers are articles 39 and 42 of the EC Treaty, Regulation 1612/68 on the freedom of movement for workers within the Community, Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families. For the self-employed and service providers, the equivalent legislation is Directive 73/148/EEC. Regulation 1408/71 on the co-ordination of social security schemes to people who move within the Community.

There is no Community law definition for circus workers. However, Article 6 of Directive 68/360/EEC sets out specific provisions concerning the residency permits of workers who are employed for under three months (who do not require a permit) and those who are employed

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<sup>12</sup> European Circus Association: *Bericht*, March 2002. (Report on the meeting held in February 2002 for the preparation of the creation of the European Circus Association).

<sup>13</sup> Presentation by Stewart McGill (artistic director of Playbox Theatre and Dream Factory) at the 2001 *Circus Open Forum* in London.



for between three and twelve months (who will receive a residency permit valid for the expected length of employment).

According to circus professionals, circus performances are frequently subject to excessive administrative requirements. Each Member State has its own administrative requirements concerning construction and safety regulations, animal protection, non-EU labor force etc. It is often very difficult to obtain the necessary administrative permissions for touring circuses when they want to tour in other European countries.

Regulation 1408/71 co-ordinates, but does not harmonise, the **social security systems** of the Member States. The basic principle is that a person should only be subjected to social security legislation of one Member State, which will normally be the State in which he or she works. If a worker is temporarily posted to another Member State he remains subject to the social security system of the "home" Member State<sup>14</sup>.

Another central aspect relates to the movement of circus families within Europe, and in particular, the availability and quality of education for their children. The international mobility of many circuses brings with it greater difficulties in educating the children and experts (EFECOT) are calling for European-wide action. Hence, the 1989 *Council Resolution on School Provisions for Children of Occupational Travellers* was a significant catalyst for Member States to begin developing strategies and special provisions as regards the education of traveller children. Since then, the Commission has been supporting different projects aimed at improving the availability of education for these children, an example being the SOCRATES – COMENIUS (Action 2) programme, introduced some time after 1995. However, despite this support and the important developments achieved in some Member States, there is still much to be done as the quality and availability for primary, and especially pre-school and secondary education, remain a problem of grave concern.

## 11. Networks and festivals

In general, there are few functional and active representative organisations in the circus environment. According to Ludo Knaepkens from the European Circus Association, the lack of representative organisations "is the reason the needs and wishes of the circus population are rarely or never met when tracing out the cultural and educational policy in the Member States".

### A. European Circus Networks

*European Circus Association (ECA)*<sup>15</sup>

The European Circus Association was created as recently as February 2002 to represent circuses within the EU, Switzerland and Norway.

<sup>14</sup> Written by Rob Cornelissen, European Commission, Directorate-General for Employment and Social Affairs, June 2002, ([r.cornelissen@cec.eu.int](mailto:r.cornelissen@cec.eu.int)). A booklet may be downloaded from: [http://europa.eu.int/comm/employment\\_social/soc-prot/schemes/guide\\_en.htm](http://europa.eu.int/comm/employment_social/soc-prot/schemes/guide_en.htm).

<sup>15</sup> European Circus Association: *Questionnaire for the Foundation of ECA - Results*, May 2002. Received by Arie Oudenes, ECA-Secretary in May 2002.

*European Federation for the Education of the Children of the Occupational Travellers (EFECOT)*

EFECOT was set up in 1988 on the initiative of the European Commission. Its mission was to optimise the education of occupational travellers in Europe, (sailors, circus, fairground communities and seasonal workers) and to implement the 1989 Council Resolution on school provisions for children of Occupational Travellers.

*European Parents Association (EPA)*

The EPA is focused on the specific problems faced by travelling families, including those in the circus, in their dealings with schools.

*European Federation of Circus Schools (FEDEC)*

One of the recommendations from the Commission's report of 1988, which resulted in the 1989 Council Resolution, was the stimulation of co-operation and collaboration between the training institutions and circus families. In 1994, FEDEC was established on the initiative of EFECOT with this purpose in mind.

*Young Artists for Europe*

Young Artists for Europe is a non-profit project financed by the European Union and organised by the Land capital Wiesbaden in Germany. This is an international project for training young people, in addition to innovating circus culture, which seeks European co-operation for high quality circus performances.

**B. Festivals**

There are around 10 to 14 circus festivals taking place in Europe. Among the most famous are:

- Circus Festival Monte Carlo,
- Festival Mondial du Cirque de Demain, Paris,
- Festival Circus Prinsessan, Stockholm,
- Festival and Centre for the Promotion of Contemporary Circus, La Seyne sur Mer.

## **I. Situation of circus in the Member States of the European Union**



## Belgium - French Community<sup>16</sup>

### 1. Introduction<sup>17</sup>

In the collective imagination the circus has always represented the dreams, magic and memories of childhood. Circus in Belgium was largely influenced by that of its neighbour, France. Indeed, in the early days Brussels was a frequent stopping point for touring French circuses. Like the rest of the world, the Belgian circus has also witnessed the advent of the modern era. In the 1970s, the performer Stanislas (real name Philippe André), who had studied law, decided to make his career in the circus and became known as *le Grand Waga Waga* – a professional magician. Stanislas created the *Pavement Circus* and was involved in promising enterprises such as the Archaos projects and the *Cirque du Soleil* in Quebec. He subsequently introduced this form of circus into Belgium and his passion for this type of performance spread to many other artists, including Vincent Wauters, the founder of the Brussels circus school, and also Louis Stagna and Eddy Kreptovski, who set up their own companies and are currently continuing to explore the many mysteries of the circus theatre.

Stanislas never left Belgium and was a major influence both on the Belgian circus as well as on some of the world's great circuses, such as the *Cirque du Soleil* and Archaos. He also established himself as a great defender of equal rights among artists by introducing a system of equal distribution of tasks and wages for the members of his troupe.

The emergence of the modern circus, which has become a meeting-place for the theatrical arts, is a world phenomenon. Its development into a mainstream art form was inevitable, because it represents the natural extension of theatre and dance and provides a spectacle of music, drama, scenery and all the technology of modern show business.

As this dynamic effect, produced by the fusion of the theatrical arts, has already encouraged new talents in Canada, the United States and France, it would be regrettable if Belgian artists did not also benefit from the same impetus.

One of the most important issues for the French Community in Belgium is to ensure that facilities for teaching, producing and distributing the performing arts become as widely developed and established as they are in neighbouring countries.

A modern circus of international repute, capable of rivalling the *Cirque du Soleil* in Quebec, could be established in Belgium if a professional school were set up to give this art form the impetus it deserves. The infrastructure required for such a development is currently being put in place.

### 2. The status of the circus in Belgium

Unlike France, Belgium has no State circus. However, Belgium does have a number of circus companies, which either originated in the country (rare in the French community) or settled there. Examples include the Bouglione circus, which sets up its winter show in Belgium, and the Plume circus.

<sup>16</sup> Written in French by Mayia Le Texier – trainee at Directorate General for Research, European Parliament, May 2002, External Translation (DV\470862EN.doc).

<sup>17</sup> Information on Health and Safety can be found under 'Belgium-Flemish Community'.

### **3. Financial support: state aid, regional and local funding, tax benefits and other measures**

The sector of the arts which comprises circus acts, travelling shows and street performers is a very recent phenomenon in the Francophone Community. It was created in the year 2000 when a special financial budget was set up for this type of activity. The 2002 allocation for this sector is EUR 496 000, which represents 0.7% of the total allocated to theatrical arts and 1.7% of the total theatre budget. Given that this is a tight budget, there are no reserve quotas for the different activities (circus troupes, travelling shows and street performers). Aid is provided to recipients on the basis of their importance for the development of the sector and as a function of the quality of the act. The different types of funding available are: aid to help performing companies, aid for staging shows, support for festivals and funding for promotional activities.

Alongside the traditional theatrical arts, the Decree of 5 May 1999 recognises and organises the different street art sectors (grants of EUR 2 million for circus projects, street theatre and travelling shows). It was therefore essential to provide for a new budget article. However, the actual level of funding has been inadequate and will have to be increased in the years ahead. Once the committee and council for the travelling arts are in place, the basic orientation of this sector will be more clearly defined and the amount of aid required can be more accurately assessed. Major festivals of popular street performing arts are now flourishing in Wallonia, where they serve as a laboratory for new forms of expression. The circus is also evolving, experiencing a new lease of life and recruiting new theatrical creators. The French Community therefore sees it as its duty to help these performing arts develop as popular forms of high-quality theatre.

### **4. Education and training of performers in the ‘circus arts’ (state aid, grants and other measures)**

A European festival of circus schools is held each November. Belgium also has the famous *Ecole nationale des arts du cirque (ENAC)*, which is now known as *Banquine asbl*. This institution serves a number of different objectives. Its main role is to promote the teaching and practice of the circus arts through the organisation of social, cultural and extracurricular activities. The ENAC therefore acts as a provider of financial support for the end-of-year spectacle put on by ESAC (*Ecole supérieure des arts du cirque*), as well as for other circus-type events. ESAC - a traditional institution that operates without a safety net - is the only school to be recognised by the authorities of the French Community and in this capacity enjoys privileged treatment compared with other teaching centres, such as the *Aristochats* circus school.

### **5. Labour laws, working conditions, health and safety in the workplace**

Circus artists and employees usually come from different nations and speak a number of different languages. However, as circus artists come under the official scheme for performing artists in general, the status of the artist in Belgium is a federal matter and the rules that apply are common to all the communities in the country. Belgium has no integrated social and fiscal status for persons who practise their profession in the world of arts and culture. An embryonic project for social legislation only exists for theatrical artists. In 1969, a Royal Decree determined that freelance artists were not self-employed persons and that because of this they had to conclude a contract of employment with the organising entity. In practice, however, most organisers of cultural events do not fulfil their role as employers. As a result, even this embryonic legislation is not being observed. The other forms of artistic activity, for their part,

have no particular regulatory regime within which to operate. The performing artist therefore plies his trade within the general framework of economic activity and is, as a result, often faced with inadequate application of the rules, especially in respect of unemployment and taxation.

## **6. Social legislation: social security and quality of life in circus companies**

The general welfare scheme to which artists belong is always a federal matter and the rules that apply will therefore be common to all Belgian communities.

The government is keen to help performing artists escape from situations involving job insecurity, illegal working, unethical conditions and bogus employers, and in March 2002, it took the decision to give such persons social welfare status. However, this initiative fails to solve the problems experienced by travelling artists who are performing within the French Community in Belgium. Nevertheless, it is worth noting that the French Community is trying to conform to the French model for the protection of performing artists, albeit rather late in the day.

## **7. Education for circus children**

Circuses that operate as international performing companies will naturally have to cross national boundaries in the performance of their business. This mainly takes the form of seasonal trips when the circus is 'on tour'. The year is divided between the winter season and the summer season. As a general rule circuses are relatively inactive in wintertime and some, such as the Bouglione circus, even put up in one place for the winter months.

As far as children's schooling is concerned, this is not usually a cause for concern for the larger circus companies as they are able to engage the services of teachers, who travel with the troupe. However, education does pose problems for small-scale operators and the travelling life of small circus companies, combined with the low motivation of parents to send their children to school (due to the fact that they are involved in the running of the circus), does little to help the education of children who are attached to small troupes.

This in turn means that it is not easy for the children of circus families to receive a proper education.

In Belgium, according to Van De Rakt, circus children are usually with their parents. During the touring season, however, the children remain with those members of the family who are not part of the circus or who do not tour with the troupe.

## **8. Prospects for the circus in Belgium**

The International Festival of the Travelling Arts takes place in Namur from 30 May to 2 June 2002.

The festival of 'street performing arts' is held in Brussels throughout the summer.





## Belgium - Flemish Community<sup>18</sup>

### 1. Introduction: history and current situation

Since the 1950s and the advent of television, circuses have been going through an increasingly hard time, especially traditional family circuses and circus families. Many circuses have developed new concepts and methods to survive, resulting in the creation of theatre circuses such as the Circus Ronaldo or the school projects for the Picolini Circus. (p. 1, *The Circus is Back*)

There are seven recognised circus enterprises, and although it is not possible to give an exact number of circus workers, the Survey on Travelling Communities in Europe puts the total estimate at 74. Within circus families, there are around 26 adults and 14 unmarried children younger than 21. (EFECOT, Survey Travelling Communities and Schooling Provisions in Europe, Updating the Information, Project: "Travelling Together" Comenius Action 2, 2001 EFECOT/EN, L. Knaepkens/R. van de Rakt, p. 5)

Most of the circuses almost exclusively hire foreign artists every season. The large circuses (Rose-Marie Walter, Wiener, Monelly, Pauwels) hire up to 20 or 40 artists (ICEM, p. 8).

Most circuses tour within Belgium and, in some cases, only within Flanders. Circus Ronaldo is the only exception, since from the beginning of April until the end of October it tours abroad, often to far-flung destinations, and tours Belgium in November and December.

### 2. Legislation for circus enterprises

The Municipal Authorities hold the most responsibility with regard to professional circuses. The local authorities decide on the number of shows, the circuses that are allowed to perform, and the admission costs (ICEM, p. 8). Nowadays, circuses are not assured of performing premises in the various municipalities. Every year, circuses need to submit a written request for permission to put on a show within a municipality. There is no longer the security of finding a new location every year, owing to competition from foreign "pirate" circuses (ICEM, p. 9).

These "pirate" circuses often have substandard programmes/performances, which in turn lead to a lessening of public interest, and cause the local authorities to hesitate more when issuing permits. Generally speaking, "pirate" circuses give the circus a bad reputation. In addition to this increase in unfair competition from "pirate circuses", circuses are experiencing rising interference from influential animal-rights organisations (ICEM, p. 10).

There has been much protest against the use of wild animals in circuses. However, the government feels it is unfair to impose rigid rules on Flemish circuses that would not apply to foreign circuses (p. 2, *The Circus is Back*).

Recognised circuses are bound by legislation on animal welfare. The animals that take part in the programme must be taken care of and the interaction with the animals should be correct. A harmonious relationship should exist between humans and animals (<http://www.vlaamscircus.be/programma.htm>).

At the present time, work is being carried out on a Royal Decree, which will have to regulate the application of animal welfare legislation in circuses. Until the regulations are in force,

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<sup>18</sup> Written by Alja Van Wilsem, trainee at the Directorate General for Research, European Parliament, May 2002.

circuses will be visited by administrators from the Ministry of Culture, Youth, and Sport, and by veterinary control inspectors, to examine whether animal welfare is being respected (p. 2, *The Circus is Back*).

### **3. Financial support to circus**

The Flemish government, in co-operation with circuses, has developed incentives and new opportunities to prevent the traditional, as well as the theatrical circuses, from disappearing. Circuses are not placed under a separate banner with different rules for production or distribution subsidies. The government wished to allow circuses access to a number of existing frameworks.

Aside from this, a specific system was developed in 2001, by means of the agreement memorandum relating to programmes, equipment, frameworks, touring, performances and self-employment. It is down to these agreements that a 'quality label' has been developed, so that municipal authorities, which provide premises for these circuses, do not have to worry about the quality of the show or the compliance with agreements (p. 1, *The Circus is Back*, Bert Anciaux, Brussels 13 March 2002).

To improve the image of circuses, the Flemish Centre for the Study of Popular Culture was asked to produce a brochure and a leaflet in which circuses are introduced and in which their cultural importance is highlighted. A website ([www.vlaamscircus.be](http://www.vlaamscircus.be)) was also established.

Circuses can be eligible for project subsidies, and can submit an application for occasional funding for trips abroad. The municipalities were asked to accept the agreement memorandum as the basis for local circus policy, and many municipalities will comply with this request. CUBIDO, an organisation that organises the dissemination of culture for special target groups, such as nursing homes, asylum seekers' centres etc. can also receive a subsidy should they hire a circus (p. 2, *The Circus is Back*).

The memorandum was updated in 2002. Seven Circuses have signed the agreements:

- Circus Monelly,
- Circus Pauwels,
- Circus Picolini,
- Circus Ronaldo,
- Circus Rose-Marie Malter,
- Magic Circus,
- Wiener Circus (<http://vlaamscircus.be/afgevaardigden.htm>).

The one circus that is not recognised as a Flemish circus is:

- Great Belgium (ICEM, p. 8).

These circuses receive a basic allowance of EUR 12394,67, which, according to an evaluation by an independent committee, can be complemented with a maximum amount of EUR 24789,35. The evaluation is based on productions for a complete season and will take into account the various elements of the agreement. The total contribution for all circuses combined is EUR 173525,47 (<http://www.vlaamscircus.be/afsprakenb.htm>).

#### **4. Vocational training for artists**

The ESAC (Ecole Supérieure des Arts du Cirque) is an official school whose public authority is the Commission of the French Community of Belgium (COCOF). The common language is French. Candidates are requested to have completed the equivalent of the upper secondary school level in Belgium (A-levels).

ESAC is a full-time three year programme with a schedule of 35 hours tuition a week, 35 weeks a year (about 1,200 hours a year). The circus techniques (aerial, balance, acrobatics and juggling) are taught in the spirit of nouveau cirque, “new circus”. The school aims to prepare circus artists for a professional career (<http://www.esac.be/en/Presentation/presentation.html>). ESAC maintains privileged relations with major circus schools in Châlons-en-Champagne and Rosny-sous-Bois in France, as well as with schools in Berlin, London, Madrid, Stockholm, Montreal and Kiev. ESAC is a founding member of the European Federation of Circus Schools (FEDEC) (<http://www.esac.be/en/Objectives/objectives.html>). Tuition fees are EUR 1,000 per academic year ([http://www.esac.be/en/Tuition\\_Fee/tuition\\_fee.html](http://www.esac.be/en/Tuition_Fee/tuition_fee.html)).

There are other schools in Brussels, but these do not specialise in vocational training. These are the Ecole Nationale des Arts du Cirque, Espace Catastrophe (Arts du Cirque et de la Scène), and Ecole de Cirque Mandarine (<http://www.circusnet.info/cirque/links/index.htm>).

#### **5. Legislation for circus artists and workers, working conditions, health and safety**

Circus workers qualify for the Statute of Artists, but this has been criticised since the workers are only able to choose between the status of being self-employed or that of wage-earners. Obtaining a permit for temporary workers is not always easy. Seasonal workers are often foreign artists without any set wages and are only hired for very short periods at a time (p. 8 ICEM Jaarrapport 2000, inzake het Vlaamse beleid naar etnisch-culturele minderheden). Even though circuses operate at a local level, they are often faced with complicated rules regarding migration and labour legislation (p. 1, the Circus is Back, Speech by Flemish Minister for Culture, Youth and Sports, Brussels 13 March 2002).

In the agreement memorandum, there is a section dedicated to self-employment. The circuses need to observe the rules relating to business practice, such as book-keeping, registering with the chamber of commerce, VAT number etc. Where self-employment is concerned, circuses must abide by the rules on social legislation and health insurance. Circuses need to be insured, especially against fire and other business damage, as well as possessing liability for its citizens.

The circus needs to strive for the required permits and needs to meet the Royal Decree of 30 April 1999 regarding the employment of foreign employees.

On a seasonal basis, a recognised circus needs to have a core group of professionals who number least 5 people (<http://www.vlaamscircus.be/ondernemen.htm>).

## **6. Health and safety<sup>19</sup> (all Belgium)**

### **1. Which OSH regulatory framework/s is/are applicable?**

In Belgium circus personnel protection comes within exactly the same OSH framework as for the protection of non-circus personnel i.e. the law on health and safety in the workplace (August 4th 1996) together with:

- the execution of royal decrees, compiled in the Codex, on health and safety in the workplace (CODEX); the General Regulations for Safety at Work (in Dutch: A.R.A.B. - in French: R.G.P.T.); the General regulations concerning electrical equipment (in Dutch: A.R.E.I. - in French: R.G.I.E.)

### **2. Are there any specific OSH provisions for circuses?**

There are NO specific OSH provisions for circuses in Belgium.

### **3. Do the OSH provisions cover visitors as well as workers?**

In Belgium, the OSH provisions only cover workers. However, the Belgian OSH 'fire protection' regulations cover ALL persons present at the workplace. These regulations are to be found in:

- either article 52 of the General Regulations for Safety at Work (in Dutch: A.R.A.B. - in French: R.G.P.T.) if the circus is set up for a period less than 3 months;
- or the articles 635 till 681 of the General Regulations for Safety at Work (in Dutch: A.R.A.B. - in French: R.G.P.T.) if the circus is set up for a period of at least 3 months.

### **4. Are there any problems with OSH inspection?**

In Belgium, there are no problems with OSH inspection of circuses. However, the Belgian OSH inspectorate does not prioritise visits to circuses due to the considerable disproportion between the numbers of workers compared to the number of visitors. In Belgium, the Flemish, Walloon and Brussels Regional Authorities are responsible for the protection of the public and the environment".

### **5. Are there any OSH provisions preventing non-national circuses performing in your country?**

There is no OSH provision preventing non-national circuses performing in Belgium.

A non-national circus performing in Belgium is submitted to exactly the same OSH regulatory framework as any other national or non-national employer.

General conclusion:

Belgian OSH provisions are not an obstacle to the free movement of circuses.

## **7. Social security regulation**

There are no specific provisions regarding social security for circus artists and workers. As far as we understand, they fall under the general social security system.

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<sup>19</sup> Received in June 2002: *Replies to the information request on health and safety provisions concerning circus from the European Parliament*. Coordinated by: European Agency for Safety and Health at Work, Gran Via 33, Bilbao, E-48009 Spain, William Cockburn, Network Secretariat, ([cockburn@osha.eu.int](mailto:cockburn@osha.eu.int), <http://agency.osha.eu.int>).

## **8. Pre-school, primary and secondary education for the children of circus parents**

“The children of Belgian circus families usually do not travel with their parents, but most remain with relatives during the travel season. Therefore, no travelling school exists in Belgium. The children visit their relatives’ local school.

However, it is very probable that Flemish authorities take on the costs for those training hours, which arise for through journey that from the school support for children circuses” (Sabine Freynhofer, 2001)<sup>20</sup>.

The Flemish circuses have signed the memorandum in recognition of the need to focus on the issue of compulsory education for children who reside in the circus (<http://www.vlaamscircus.be/ondernemen.htm>).

However, there is not yet any specific policy. Flanders is preparing a Decree on Equal Opportunities in Education for September 2002, in which an education policy for traveller children will be integrated.

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<sup>20</sup> Freynhofer, Sabine: *Life and learning on the journey*, Dissertation (submitted for a diploma), University of Vienna, 2001.



## Denmark<sup>21</sup>

### 1. Introduction

The information below is mainly based on a report<sup>22</sup> produced by an ad-hoc committee appointed by the Danish Ministry of Culture in 1996. The committee was tasked with presenting a description on the subject of artistes in Denmark, including the operating conditions of artistes and circuses. The committee presented its final report in December 1998.

### 2. Historical overview

Ancient rock carvings show pictures of acrobats and jugglers and Bronze Age art shows that the activities characteristic of our modern-day circus existed in the Nordic Region long before the start of the modern era. From the mid-17th century there is fairly detailed information on the development of the circus in Denmark courtesy of the author Anders Enevig. In his two books *Cirkus og gøgl i Odense 1645-1825* (Circus and Jesters in Odense 1645-1825), published by Odense Universitetsforlag in 1995, and *Cirkus og gøgl i Odense 1826-1844* (Circus and Jesters in Odense 1826-1844), published by Odense Universitetsforlag in 1997, he describes a vast number of small ensembles – both Danish and foreign – who toured most of the country.

‘Singers, musicians, dancers and actors often appeared together with jugglers, acrobats, tightrope walkers, trick riders, magicians and clowns. And, as time went by, this whole array merged with the new entertainment of later times such as pantomimes, tableaux, freak shows, menageries of wild animals, painted scenes, balloon ascents and fireworks. Later still came lucky-dip stalls, carousels and swing-boats.

The various groups gradually specialised. Some chose music as a way of life whilst others chose acting. The artistes chose the circus life together with the trick riders and trainers of wild animals. The permanent theatres, concert houses, music halls, dance halls and amusement parks were established in most large towns.

The idea of settling down in a particular place did not, however, suit the circus people. It takes a long time to develop a circus artiste’s act. Many years of experience has taught them that by travelling from town to town they can reach a much larger public without necessarily having to change their repertoire regularly. This tradition has been maintained through to the present day’<sup>23</sup>.

The circus was very popular until the end of the 1950s, but after television became the preferred form of leisure entertainment for Danes interest in the circus declined. At the same time, most of the variety theatres with music and entertainment that existed in the larger towns and employed many Danish and foreign artistes disappeared.

<sup>21</sup> Written by Pernille Winther, official at the Directorate General for Research, European Parliament, June 2002.

<sup>22</sup> *Cirkus og artister i Danmark* (Circus and Artistes in Denmark), Report No 1363 from the Artistes Committee of the Ministry of Culture, December 1998.

<sup>23</sup> Quotation: loc. cit., section 2.1.1.

With inspiration from abroad and the 'new' circus (particularly France) a large number of street theatres, street circuses and 'new' circuses were established from the 1970s onwards, and as interest in the 'new' circus was kindled among younger people the circus gained new audiences. This trend can still be seen.

It should also be mentioned that the **Copenhagen Circus Museum** came into being in 2001. The museum includes the Barly collection, containing more than 100 000 items (mainly photographs but also several costumes). Only a small part of the collection is on show.

### **3. The present situation**

At present (2002), there are around **20** circuses in Denmark, three of which are large traditional touring circuses that have existed for many years, such as the Cirkus Benneweis. Some circuses disappear, but new circuses are constantly being created. These are generally inspired by the 'new' circus, such as the Zirkus Nemo, and Denmark is also visited by several foreign circuses every year. It is estimated by the artistes' trade union, the Danish Artists Union, that it has around **250** members who can be termed performing 'artistes', i.e. circus or variety artistes. The Danish Artists Union estimates that more than 80% of all professional artistes are members. In addition to these there are the foreign artistes who work in Denmark for a variable amount of time.

### **4. The economic situation**

Circus in Denmark is run on a commercial basis as a **liberal profession without government support**. The circus industry has to compete with a diverse range of other cultural and artistic forms of expression, some of which would not exist at their present level of quality and on their existing scale if they did not receive significant government art and culture funding. This may be either support for the creation or performance of the work, or support for measures such as subscription and refund schemes in the theatrical area, partly aimed at stimulating demand.

Circus does, however, share many features with the theatre in relation to its costs structure. It is characteristic of both that they depend on the live encounter between the performing artists and the public, and both require the input of a relatively large number of staff every time a performance takes place. This means a high level of costs per performance.

The circus has only a few sources of revenue: ticket sales, entrance to view the stables, sales of refreshments and souvenirs and advertising revenue.

The view of the circus industry is that **government support for theatres etc.** has the effect that consumers are accustomed to only paying part of the real costs of production through the ticket price, and that this support therefore leads to **unfair competition** with the circus, for example, which does not receive any form of support<sup>24</sup>.

The Danish Circus Owners Association does not, however, want government support, as it feels that the government would then demand a say in the running of the circus, which is not desirable. On the other hand, the Danish Circus Owners Association has expressed a wish for cultural and economic recognition of the circus as a form of cultural entertainment, on an equal footing with other forms of art and culture, and for a number of direct and indirect taxes and duties to be reduced. The Danish Circus Owners Association considers that this would

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<sup>24</sup> Quotation: loc. cit., section 4.4.1.



provide compensation for the competitive advantage enjoyed by other forms of culture through the government funding they receive.

The Danish Circus Owners Association requests exemption from **VAT** (25%) on its main source of income, ticket sales, as it feels that complete or partial exemption from VAT will improve the industry's financial position. They argue that, in view of the government support granted to other forms of art and culture, exemption from VAT for the circus would be extremely reasonable.

The Danish Circus Owners Association also wants the **weight duty** on vehicles to be removed or reduced, as it considers that circus vehicles travel very little in relation to the weight duty levied. The Association also wants circus staff to take over the role of **fire guard** during performances. The present requirement of a compulsory fire guard from a local-authority or private fire brigade represents a considerable expense, although the price paid varies greatly between the individual local authorities. **Hire of sites to erect tents** may also represent a heavy expense, and here too prices vary greatly between the local authorities. The industry fears in particular the possibility of an amount of rent being charged per ticket sold, which some local authorities are considering.

## 5. Training provisions for artistes

In the heyday of circus artistes up to 1960, there were more ways of entering the profession than there are today. Some artistes came from top-level sport, including elite gymnastics, and from equestrian sport.

In addition, children of circus families were trained 'in-house', and it also happened that children and young people became artistes by being 'apprenticed' to a family of artistes. Children and young people typically helped with the practical work in return for board and lodging, alongside their training as artistes. They toured with the circus or appeared together with the troupe of artistes in circuses, variety theatres and night clubs etc. often throughout Europe and in that way also had an opportunity to take inspiration from the artiste traditions of other countries.

Today it is far more difficult for young people who live in Denmark and have not grown up in circus families to train as artistes. There are no official Danish circus schools, so that people who want to undergo a prolonged period of professional training have to apply for admission to one of the foreign schools. Young people can, however, now take their SU (Government Educational Grant) abroad with them.

'It is therefore not surprising that only 8% of artistes state that they have undergone recognised training in the profession<sup>25</sup>. The artistes consequently represent a distinctly self-taught group. This state of affairs can be illustrated by the fact that only 16% state that they have attended courses, and that only 25% have received private instruction within the profession<sup>26</sup>.

The lack of training provisions, according to the report from the Ministry of Culture, is part of the reason for the decline in the number of Danish artistes and the reduction in the number of Danish artistes of international stature.

There are two places in Denmark where young people can obtain one year of basic training, at the **Akademiet for Utæmmet Kreativitet** ('Academy for Untamed Creativity') in Copenhagen and the **Gøgler skolen (Clowns' School)** in Århus. It is possible to gain an idea

<sup>25</sup> The figure is from 1997.

<sup>26</sup> Quotation: loc. cit., section 3.2.3.

there of whether it is appropriate to apply for admission to one of the professional schools for artists abroad or start out on one's own. Although this basic training course has much to commend it, it cannot offer training of professional artistes. Further training has to be obtained abroad.

The growing interest in circus has had the effect that there is increasing demand for formalised training courses in this area. Interest in entering a school for artistes will probably increase if a professional training course with government support is established in Denmark, as is the case in France for example.

'For the Danish artistes, the lack of a professional school in Denmark is both unsatisfactory and indefensible.

For the artistes, the desire for state-recognised training is a natural extension of the long-felt need for cultural recognition as a professional group and of the art they create and perform.

This is due in particular to the fact that they view state-recognised and government-funded professional training as essential in order to breathe fresh life into the Danish circus tradition, raise the level of qualifications of the artistes, develop new forms of expression and improve the opportunities for young Danes to choose the occupation of artiste as a way of life'<sup>27</sup>.

Nothing has happened in the area, however, since the report was published in December 1998. According to the cultural newsletter *Søndag Aften*, a major reason for this is resistance from the traditional circus. They argue that there will not be jobs for the artistes, as this job market is too narrow. But it naturally remains particularly narrow when foreign artistes are imported and only the present-day circus market is looked at. The increase in interest in the circus has happened outside the traditional circus frameworks, in what is referred to as the new circus<sup>28</sup>.

## **6. Applicable legislation**

There is no comprehensive law on circuses in Denmark, and this area is governed by a number of different laws, circulars and police by-laws. Circus performances (and other forms of public entertainment such as concerts, firework displays etc.) must not take place without a police permit. The Ministry of Justice Circular of 4 February 1988 lays down guidelines for the **granting of permits by the police**.

According to this circular, the police **must** keep up to date with the general position of the individual municipal administrations with regard to permits being granted for public entertainment events (including circuses) in the municipality. The attitude of the municipal administration guides the police in deciding on individual applications.

According to the Ministry of the Environment Executive Order No 367 of 10 May 1992, issued pursuant to the Environmental Protection Act, the local authority must be notified before travelling funfairs, amusements or similar outdoor activities are set up and used.

The local authority can lay down conditions and issue orders and prohibitions relating to such activities. Under roads legislation, the local authority also has to approve approach and exit routes for vehicles, while the task of the police is to attend to traffic control etc.

Circus tents are inspected, approved and checked by the local authority under the terms of the Construction Act. The safety of personnel, including the artistes, is regulated by the Working

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<sup>27</sup> Quotation: loc. cit., section 10.1.1.

<sup>28</sup> 'Den politiske manege sander til', May 2000.

Environment Act, and inspection is carried out by the Danish Working Environment Authority.

‘There is no separate set of rules applying to **health and safety** in circuses in Denmark. The Danish Working Environment Act applies to circuses as well as other workplaces. Pursuant to the Danish Order on Work for Young People, children below the age of 13 years are not allowed to perform under commercial conditions or to take part in cultural activities etc. without a special licence from the police. The Danish Working Environment Authority has only dealt with a small number of cases relating to circuses. Very few accidents in circuses have been reported (7 accidents since 1993). This is likely to indicate unsatisfactory reporting in this line of work’<sup>29</sup>.

Finally, **animals** according to Section 17 of the Animal Protection Act must not be trained or used for display, circus performances, film recordings or the like if the animal is caused substantial discomfort, and (Subsection 2) wild animals must not be used in performances in circuses, variety shows and similar enterprises.

There are no special rules for the **social security** of circus artistes and other circus employees. They are covered by general Danish legislation in this area.

## 7. School education for children of artistes

The individual travelling circuses in Denmark have to finance and organise school instruction for their children themselves when they are on tour. There is a desire on the part of the touring circuses for instruction when the circus is on tour.

As long ago as 1997, the Danish Ministry of Education accepted the establishment of a five-year pilot project which provides for a large Danish circus, the Circus Arena, to take a mobile school with it. The objective of this project is to make close cooperation between the travelling school and the winter-quarters school possible by e-mail and mobile phone.

The circus owner expressed a willingness to pay for the school vehicle and equipment, while the teacher’s time was to be paid for by the Ministry of Education through sums of money made available at individual local level. The town of Slagelse, where the circus has its winter quarters, expressed a willingness to part-finance the scheme. It has proved very difficult to finance the school during the travelling season, as the circus travels through various regions and therefore areas for which different authorities are responsible.

Although the need for such a school appears to be undisputed, the project has so far foundered on financing issues<sup>30</sup>.

## 8. Copyright of artistes

Copyright can be defined as the provisions regulating access to use and utilisation of the artiste’s creative work and performance. **Performing** artists gained protection under a 1961 law (amended in 1995) on the copyright to literary and artistic works, but this protection is normally considered **not** to apply to circus artistes, although the Danish Artists Union has been working hard for such protection for decades. With regard to the **circus artiste as a**

<sup>29</sup> Information from June 2002, Dorethe Gamborg Andersen, Branche-/Visionskontor 3 (BV 3), The Danish Working Environment Authority.

<sup>30</sup> Source: Note from EFECOT, 4.2.3. Denmark, 2000.

**creative artist**, i.e. when the artiste has written his or her own number, choreography etc., he/she enjoys protection as an author under the Copyright Act.

## Germany<sup>31</sup>

### 1. Introduction<sup>32</sup>

#### A. History of the circus, an overview

In Latin, the word 'circus' means circle, race-track or arena and derives from the Greek 'kirkos'. In Roman times, the 'circus' was an elongated, elliptical arena used mainly for chariot racing and also for gladiator contests. In Imperial times, the 'Roman circus', meaning the Circus Maximus in Rome, could hold several tens of thousands of people. By the end of the Roman Empire, there were 100 separate circus arenas, which were the showplace of bloody contests between man and beast, equestrian acrobatics and other tricks. The circus was also one of the few places where ordinary people had an opportunity to speak out and where women and men had the same access to public entertainment.

However, the people we now describe as 'artistes' performed only in the streets in Roman times. In the course of time, the historical term 'circus' disappeared. It was not until the second half of the 18th century that circus arenas reappeared and the kind of ring we are familiar with today became the focal point of the circus performance. Philip Astley (1742–1814), a former sergeant-major who opened a riding school near London in 1769 in which 'daring feats of horsemanship' were performed, is generally regarded as the founder of the modern circus. Only a year later, he had the spectators' gallery roofed over and expanded his equestrian acrobatics programme by adding artistes, acrobats, tightrope walkers and clowns. From 1784, the kind of circus performance we see now began to appear. In 1803, he built a permanent circus structure in London with a ring and a stage. In the first half of the 19th century other, splendidly decorated permanent circus buildings were constructed in the United Kingdom and France. Yet equestrian acts, i.e. dressage and equestrian displays, continued to form the nucleus of the performance. The circus tent, based on the development of the 'big top' in the USA in the 1860s, i.e. a tent erected on two or four poles that could be erected and dismantled rapidly, did not become the main site of circus performances until after 1900.

#### B. History of the circus in Germany

In Germany, the circus gained increasingly in importance after 1845. Ernst Jakob Renz (1815–92) built permanent circuses in Berlin, Breslau, Hamburg and Vienna. Renz turned Berlin into the centre of circus art in Europe, bringing pantomimes involving clowns and water acts to Germany for the first time. In Europe and Germany, the early 20th century brought not just the circus tent but also 'technical' innovations such as sawdust and tents with several rings, together with new, different kinds of circus programme, such as dressage and acts featuring exotic animals. The traditional kind of dressage and equestrian acts now tended to give way to acrobatics as a separate discipline. These acrobatic feats became the 'sensations' that were essential to any circus programme, especially after the First World War. During this period, the German Sarrasani and Krone circuses became the most important enterprises in Europe. They soon learned from their American models. The 'programme of acts' became firmly established, with wild animal acts, sensations or specialty acts, acrobatics and clowns.

<sup>31</sup> Written in German by Falco Böhlje, trainee at the Directorate General for Research), European Parliament, May 2002, External Translation (DV\470956EN.doc).

<sup>32</sup> Based on the following sources: *Brockhaus-Enzyklopädie*, Encyclopaedia, 19th edition, Mannheim 1994; *Schule für Cirkuskinder*, pamphlet of the Protestant Church in the Rhineland area, Düsseldorf, Germany, division for education, Düsseldorf, 2001.

### C. The situation today<sup>33</sup>

Since 1945, the circus industry has grown steadily in the Federal Republic of Germany. Currently (May 2002), there are approximately 300 circus companies. No precise figures are available because circuses are equated with showmen under the trading regulations; they are therefore regarded as normal enterprises<sup>34</sup> and not classified separately in the statistics on commercial enterprises.

The structure of the circus industry varies widely. There is a fairly small number of large and medium-sized enterprises (about 15), but most circuses in the Federal Republic as a whole are small or very small. A basic distinction has to be drawn here between engagement circuses, which tend to be large, and the smaller family circuses. Most Federal German circuses are family circuses, i.e. real family enterprises that do not or hardly ever hire 'outside' artistes but 'recruit' family members. Most of these circuses do not travel throughout the Federal Republic but operate within a fairly local area. Many family circuses in North Rhine-Westphalia, for instance, always remain within that *Land*.

Engagement circuses, however, mainly use artistes and workers who are not family members and usually hire them just for the season. These circuses are also known outside their region and travel throughout the Federal Republic and in Europe and sometimes even overseas. Some well-known examples are the Barum, Flic-Flac, Fliegenpilz, and the Rudolf Probst circuses.

In principle, circuses travel between spring and autumn while remaining in one place throughout the winter (see also 'Social assistance').

## 2. Legislation governing circuses

### A. Overview

There are no specific laws governing circuses and artistes or circus workers in the Federal Republic. Yet circuses and those working in them have to observe a great many rules and regulations. This is easier to understand when we consider the particular federal structure of the FRG: contrary to what is widely believed, pursuant to Article 70(1) of the Basic Law<sup>35</sup>, the 16 Federal *Länder* basically have the right to legislate, i.e. to pass laws. Only in certain cases specifically listed in the Basic Law does the German Bundestag have the right to legislate. This means that circuses that travel within the Federal Republic may be governed by up to 16 different regulations on circus tent safety.

As mentioned above, circuses do not have their own legal status but are equated with showmen under the trade regulations (Federal Law on Commercial Enterprises). Like showmen, they must have what is called a commercial travel permit, i.e. a permit to carry out their trade (the circus) without having a fixed, permanent place of residence. This permit applies without restriction throughout the Federal Republic and is issued to individuals either for one or two years or for an indefinite period<sup>36</sup>. The permit costs EUR 75<sup>37</sup>. In contrast to

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<sup>33</sup> Based on the following sources: BERID e.V. (registered association); Schule im Circus e.V. (registered association); Ministry of Economic Affairs and SMEs, Energy and Transport, North Rhine-Westphalia; Busch-Roland circus.

<sup>34</sup> See also B.: 'Legislation governing circuses'.

<sup>35</sup> German Constitution.

<sup>36</sup> City Administration of Munich, Division for social affairs; City Administration of Frankfurt, Division for European affairs.

many other European countries, therefore, the circus is not as a cultural institution in Germany, though they were in the former German Democratic Republic (See also 'Schooling').

There are also Federal German rules on keeping animals. The Federal Law on Animal Protection governs the treatment and ownership of animals, which therefore includes circus animals, such as elephants and horses. Moreover, the Federal Ministry of Agriculture<sup>38</sup> has published 'Guidelines for the ownership, training and use of animals in circus enterprises or similar institutions' specifically relating to circus animals, which help the people who handle animals in the circus and the authorities and courts to take the appropriate decisions. In view of the German Bundestag's latest decision to include animal protection in the Basic Law as a state objective, and thus to make animal protection a constitutional requirement, it is likely that more importance will soon be attached to animal protection in circuses too.

There are also standard Federal provisions on the safety of circus vehicles. Moreover, circuses have to satisfy Alien Law requirements if they employ artistes and other workers from the Eastern European countries. If they sell food or drink they also need permission under the Federally applicable 'Catering Act', which the local authorities and municipalities issue directly. The sale of food and drink comes under the provisions of food and hygiene legislation.

Because circuses come under the same occupational heading as showmen, the provisions of the Road Traffic Act that apply to shows also apply to them. Vehicles used in the showman's and circus industry are exempt from the obligation to use tachographs. This exemption is based on Community law (Council Regulation EEC No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport, OJ No L 370, p. 1). There are also certain tax reliefs for heavy goods vehicles<sup>39</sup>.

Some *Länder* have legislative provisions applicable to circuses in their building regulations. These regulations lay down safety rules for circus tents, for example.

## B. Copyright

Germany does not have any specific legislation on copyright protection for circuses and artistes. Where an artiste has invented and developed an 'act' himself, he has a certain copyright under German copyright law. In some cases, he can ask for an injunction on the grounds of imitation. In practice, however, this is hard to prove. Given the large number of circuses and artistes it is not very easy to identify which artiste is in fact the 'spiritual father' of a particular act.

## C. Legal issues<sup>40</sup>

Because Germany has a federal structure, there can be up to 16 different regulations on, for instance, the safety of circus tents, added to which circuses are classified as normal commercial enterprises. This does not take account of the fact that circuses have no permanent place of residence but are constantly on the move. Under the rules on compulsory registration, however, every person living in Germany must have what is called a first place of residence. Only if he has a fixed first residence can he register a car, a lorry or the towing

<sup>37</sup> City Administration of Frankfurt, Division for European affairs.

<sup>38</sup> See the link 'Tierschutz' (animal protection) at: <http://www.verbraucherministerium.de>.

<sup>39</sup> See also: 'Financial support/taxes'.

<sup>40</sup> Based on the following sources: BERID e.V.; Schule im Circus e.V.

vehicle needed for touring. The first residence is defined as the main place of residence, i.e. where the person concerned resides most of the time. Since circuses are usually on tour all the time, at least in summer, it is difficult to determine their main place of residence. In winter, they either withdraw to the same quarters every year or have to rent a site at the beginning of every winter. Even circuses that own their own land sometimes face problems in their dealings with the municipal and local registration authorities, which often do not recognise these winter quarters as a fixed place of residence. Since it is impossible to register a vehicle without having a fixed place of residence, this too can create problems. German rules on registration are based on the principle that everyone has a fixed place of residence; they do not cover occupational travellers, although the trade regulations (see above) do contain special provisions governing occupational travellers. It is worth noting that the registration rules contain special provisions for inland navigation and seamen, and for occupational travellers<sup>41</sup>.

### 3. Financial support/taxes

Since circuses do not count as cultural institutions under German law (see above), but instead as normal commercial enterprises, they are not entitled to subsidies or other state support. On the other hand, some artistes may be entitled to social assistance benefits (see also 'Social assistance').

Circus enterprises are, however, entitled to certain tax reliefs. Some vehicles are exempt from motor vehicle tax<sup>42</sup>, such as caravans and wagons used in the 'showmen's trade' that are towed by a vehicle travelling at not more than 25 km/h, the tractor trailers used in the showmen's trade and caravans and wagons of a certain weight. These reliefs are granted to showmen and, as stated above, circuses come under the same heading.

### 4. The professional training of artistes

In the professional training of artistes a distinction has to be made between engagement circuses and family circuses. In family circuses, parents and other family members are mainly responsible for this training. Many artistes come from circus families and carry on the family tradition. They are trained by the very fact of growing up in the circus world. In addition to the various Clownschoools (*Clownschulen*), and *Artistikstudios*, there are two main schools which provide vocational training for performers:

*Staatliche Ballettschule und Schule für Artistik* in Berlin which is the oldest school of this kind in Europe and is unique in offering an officially recognized qualifications as acrobat.

'*Die ETAGE – Schule für die darstellenden Künste*'<sup>43</sup>, which has offered the following training courses since 1981: stage acrobatics/performing arts, stage dancing and pantomime.

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<sup>41</sup> Cf. paragraph 13 of the *Melderechtsrahmengesetz* (framework law on compulsory registration) and the registration rules in the Federal *Länder*.

<sup>42</sup> Paragraph 3 of the law on vehicle tax, the *Kraftfahrzeugsteuergesetz* (KraftStG), together with paragraphs 3 and 18 of the StVZO.

<sup>43</sup> Academy for the Performing Arts (<http://www.dieetage.de>).



## 5. Legal provisions governing artistes and employees, working conditions, health and safety at work<sup>44</sup>

Engagement circuses generally hire artistes for the season. They can offer the usual employment contracts, which means that the circus enterprise is an employer within the meaning of German industrial law. The employer then has to pay pro rata contributions to the health insurance and professional association for the artistes, who can therefore claim under this insurance in the event of illness or accident<sup>45</sup>. The majority of artistes, however, are self-employed and sign the appropriate contracts with the circus concerned. These artistes have to insure themselves under a private or optional health scheme. In principle, self-employed performers are automatically insured in the legal health insurance, nursing care insurance and pension scheme for employees under what is known as the '*Künstlersozialversicherungsgesetz* (KSVG)' (social insurance law for artists)<sup>46</sup>, and as in the case of other employees, the artistes and circuses each pay half the contributions. This compulsory insurance only applies, however, if the artistes themselves do not employ more than one other person. For example, a self-employed artiste who employs three other artistes is not automatically insured under the KSVG but has to make private insurance arrangements.

Since self-employed artistes, unlike employees, do not receive a continuous, fixed amount of compensation in the event of illness, some of them make their own insurance arrangements to protect themselves against loss of earnings<sup>47</sup>.

## 6. Social assistance<sup>48</sup>

Family circuses: as self-employed traders, adults are insured either privately or under an optional scheme and in some cases are covered by the compulsory *Künstlersozialversicherung* referred to above. Cover under the social assistance system depends entirely on income. In the case of low income, the social security office may take over the health insurance contributions. The most serious social problems are found among small family circuses. These small circuses often find themselves in considerable financial difficulties because of the level of competition in Germany (up to 450 circuses) and because often they cannot offer the same kind of spectacular programme as large engagement circuses. Since performances by artistes and acrobats from large circuses are now quite often shown on television, there is little incentive to visit the 'small circus'. This affects the incomes of small family circuses, which sometimes cannot easily recoup their quite considerable investments through the entrance prices they charge, because high prices put off potential visitors, especially if the circus is unknown outside its own region.

If circus employees cannot support themselves at all or in full because of their demonstrably low income, the local social security office in the town the circus is visiting will grant them social assistance benefits under the appropriate legal provisions. Since German towns and local authorities are responsible for social assistance benefits and these payments swallow a large part of the municipal budget, there is evidence that many towns tend not to give smaller circuses permission to stay towards the end of the season. Many municipal authorities fear the circus might stay in their town throughout the winter and that they might therefore have to

<sup>44</sup> Based on the following sources: BERID e.V.; Schule im Circus e.V.; Ministry of Education, Hessen; City Administration of Munich.

<sup>45</sup> Busch-Roland circus.

<sup>46</sup> See 'Künstlersozialkasse': <http://www.kuenstlersozialkasse.de>.

<sup>47</sup> Schule im Circus e.V.

<sup>48</sup> Based on the following sources: Cities of Munich, Cologne, Frankfurt; Schule im Circus e.V.; BERID e.V.

pay social assistance benefits<sup>49</sup>. As a result, circuses have been finding it increasingly difficult in recent years to find suitable sites for their performances and some smaller circuses are only allowed to use unattractive sites on the outskirts of town. This in turn affects their financial situation. Circuses often have to lease land from private individuals, usually farmers, at high rents. Since German unification, there have been signs that more and more circuses are tending to buy land in the new Federal *Länder* for use as their winter quarters, because prices are cheaper there<sup>50</sup>.

There are no precise data on the number of artistes who claim social assistance benefits because the relevant statistics do not classify them as a separate group<sup>51</sup>.

Engagement circuses: there are few social legislation problems here; however, in principle the same rules apply as to family circuses.

## **7. The pre-school education and care of circus children<sup>52</sup>**

### **A. Kindergartens**

In the Federal Republic of Germany, children have a legal right to a kindergarten place, but attendance is not compulsory. Since family circuses often only remain in the same place for a few days, few circus children attend kindergarten. Even during the winter break, when children could in principle be cared for in day nurseries or kindergartens because the family stays in one place for quite some time, attendance tends to be the exception. Smaller circuses do not send children to kindergarten partly for financial reasons and also because there are not enough short-term places available, in spite of the legal entitlement to a kindergarten place<sup>53</sup>. No precise statistics are available on the subject and so far there have been no proposals to set up 'travelling kindergartens' modelled on the mobile school system. The situation is different for many showmen's families<sup>54</sup>: these children generally stay with relatives at the parents' main place of residence while their parents travel to various fairgrounds, which means it is easier for them to attend kindergarten. Some of these children also go to boarding school, which is something circus families can rarely afford.

In some larger circuses, parents arrange for private pre-school care.

### **B. Schooling**

This is one of the **main problems** for circus families in general. Each of the 16 Federal *Länder* is responsible for the school education of children and young people in its area. In principle, school attendance is compulsory throughout the Federal Republic; this means nine to ten years of general education followed by three years of vocational training. The German school system is based on the assumption, however, that the children have a fixed abode and will attend the same school for quite a long time. So children's schooling is usually based on

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<sup>49</sup> Schule im Circus e.V. ; BERID e.V.

<sup>50</sup> BERID e.V.

<sup>51</sup> Ministry for Employment and Social Affairs, the Family and Women, Bavaria.

<sup>52</sup> Based on the following sources: Schule im Circus e.V., BERID e.V.; Ministry of Education, Baden-Württemberg; Ministry of Education, Bavaria; Ministry of Education, Hessen; Ministry of Economic Affairs and SMEs, Energy and Transport, North Rhine-Westphalia; Arnsberg Regional Administration, North Rhine-Westphalia); EFECOT.

<sup>53</sup> Schule im Circus e.V.

<sup>54</sup> Ministry of Education, Hessen.

fixed assumptions that are generally regarded as important, beneficial and self-evident preconditions for learning<sup>55</sup>. These assumptions include:

- attending the same school,
- a familiar classroom,
- a familiar group of classmates,
- adults to relate to and in some cases the same teachers for several years.

The life of children and young people from circus families (and showmen's families) is marked by seasonal mobility and constant moves. They attend between 30 and 60 different schools a year. This means a constant change of teachers and classmates and having to deal with different educational principles and changing teaching methods and curricula. As a result, it is rare for these children to learn on a continuous basis, to form attachments and receive encouragement or to experience a familiar classroom or become involved with their classmates. They spend days travelling, help to erect and dismantle the circus tent and assist in the circus, sometimes well into the night; moreover, the circus sometimes travels to *Länder* where children are still on school vacation. All this can mean that circus children attend school up to 40% less than the norm. As a rule, therefore, they cannot even be sure of being taught on a normal, day-to-day basis. The consequences of this situation are apparent among many of the adults who spent their childhood travelling with their parents' circus and now run their own circus or work there as artistes. Many of these adults are illiterate or only have a rudimentary general education. This is particularly evident in the case of men, since they were constantly obliged had to help erect and dismantle tents, etc. when they were children. A prominent 'witness' to this educational problem is Mr Johannes Rau, Federal President of the Federal Republic of Germany. When he was at school as a child, circus children would join his class for short periods of time and he describes their life in the following terms<sup>56</sup>:

'a life that was perhaps exciting but absolutely not suitable for children who, even if they worked hard, had very sketchy knowledge, with all the adverse effects of unsatisfactory schooling.'

The *Länder* are responsible for their own educational system, therefore there is no uniform system for coordinating curricula and no central coordinating body at the federal level. The unfortunate result is that the Federal *Länder* lay down the broad lines of the curriculum to be followed throughout the Federal Republic up to, say, the 'Abitur' – the school-leaving examination – (which is why each *Land's* Abitur certificate is recognised in all the other *Länder*). Though they are free to arrange the content as they please, including the cutoff point between primary, *Grundschule* and secondary *Oberschule* education. The same applies within the individual *Länder*. For instance, in North Rhine-Westphalia, the curriculum lays down what subjects should be taught in the first class of primary school. Yet teachers can draw up their own plan for themselves and their class and decide when to teach what subject. For the children of circus families, this may mean that they go to three different schools one after the other and learn the same letter of the alphabet for three weeks in succession, only to find they have missed out on what was being taught at the next school they attend.

The situation was different in the former GDR<sup>57</sup>. There, school education was regulated centrally and included travelling schools with mobile instructors through the fifth grade and special schemes to help travellers' children. Circus families from the new *Länder* complain

<sup>55</sup> Ministry of Education, North Rhine-Westphalia (<http://www.learn-line.nrw.de>).

<sup>56</sup> Preface to the brochure 'Schule für Circuskinder' (school for circus children), Düsseldorf, 2001.

<sup>57</sup> Schule im Circus e.V.; Leuschner, Wolfgang K.: 'Wie weckt man einen schlafenden Riesen?' (How do you wake a sleeping giant?) in: *Travelling on together*, 10 years of EFECOT, Brussels, 1998.

that their children's situation has worsened in this respect since unification. For these parents, gaps in school knowledge and problems in obtaining the leaving certificate represent an entirely new experience.

It is only in the last few years, and then only to a certain extent, that attention has been paid to the special situation of children of parents who are occupational travellers. At times, parents have tried to have their children taught privately and attempted to find teachers and teaching material. Some engagement circuses have been employing private teachers for quite a long time and have their own 'circus schools', although these are not funded by the public authorities. They include, for example, the Busch-Roland and Krone circuses. These schools are recognised by the state. The curriculum is set by the Federal *Land* in question.

Various proposals are currently being considered in the Federal *Länder* for improving the school education of circus children. The Conference of Ministers for Culture of the 16 Federal *Länder*, which meets several times a year, has looked into the subject – partly as a result of EFECOT lobbying – and has set up a central coordinating body. One example of a new form of schooling for circus children is the 'School for circus children' in North Rhine-Westphalia (NRW). Under the sponsorship of the Evangelical Church in the Rhineland, children from circus families have been taught in mobile classrooms since 1994. The school, which used to use caravans and now uses modern, specially equipped mobile homes, travels to the circus sites and follows the circus throughout North Rhine-Westphalia. To date, teachers have not been specially trained for this task and have to teach the children in all subjects. Yet they show enormous commitment. In each case one teacher is responsible for one or two circuses. The children are taught at least two days a week, starting from the first class (primary school) and up to the ninth class. Then, depending on the children's progress, it is decided whether they should aim for a secondary general school (*Hauptschule*) or an intermediate school (*Realschule*). The 'School for circus children' awards its own, state-recognised leaving certificate. In September 2000, for instance, two young people in North-Rhine-Westphalia qualified for entry to senior technical school (*Fachoberschule*)<sup>58</sup>. During the winter, the children attend the normal schools in the place where the circus has set up its winter quarters. In North Rhine-Westphalia, about 1 000 travellers' children (from showmen's and circus families and other travelling families) currently need to be 'catered for' at school, of whom about one third now attend mobile schools while the other two thirds are taught by what are known as 'mobile area teachers'<sup>59</sup>. The latter system is also applied in some other *Länder*. The children are given a school diary detailing their particular syllabus, so as to provide the teaching staff at the school in the place where the circus is performing with information about the children's level of ability. The mobile area teachers also assist schools with the teaching of circus children in the place where the circus is staying and coordinate with the schools.

Regardless of which system the various *Länder* decide to apply, there is room for improvement in the school education of circus children. Some circuses are still not included. Schooling is compulsory, yet some authorities do not check carefully enough whether the children from circuses visiting a particular town actually attend a school<sup>60</sup>. Unfortunately, if parents do not register their children at a school and do not fulfil their educational obligations, some children in Germany still receive no schooling or only an inadequate school education.

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<sup>58</sup> Behler, Gabriele, Minister for Education, NRW, in the brochure 'Schule für Circuskinder', Düsseldorf 2001.

<sup>59</sup> Regional Administration of Arnsberg.

<sup>60</sup> Schule im Circus e.V.

## 8. Public and state perceptions of 'the circus'

At present, the Conference of Ministers for Culture of the 16 Federal *Länder* is the only forum to discuss and consider the subject of the 'circus'. The future of the circus is not being discussed elsewhere in the Federal Republic, either at Federal or at Land level; this is reflected by the classification of the circus as a commercial enterprise<sup>61</sup>.

## 9. Summary

Germany has more circuses than any other EU country. The main problems lie in the schooling of children, the classification of the circus as a commercial enterprise (and not as art) and the fact that circuses are not taken into consideration when laws are passed because the implications of these laws for the circus sector are often not known.

The federal structure of the Federal Republic of Germany, which has generally proved its worth since its origins, does not necessarily make daily life in the circus any easier. For instance, the commercial travel permit applies without restriction throughout the Federal Republic; yet circuses that travel through several *Länder* are sometimes faced with regulations that vary widely from one Land to another. Even if circuses were classified as art, it would still be difficult to bring them under uniform Federal rules, since the *Länder* are responsible for culture in general.

There have been some promising developments in schooling, which is also the responsibility of each individual *Land*. The attempts by the Conference of Ministers for Culture (KMK) to define uniform or comparable rules applicable throughout the Federal Republic is a step in the right direction and should be pursued, regardless of which of the educational systems described above is followed. The KMK's efforts could serve as a model for cooperation among the *Länder* with a view to possibly granting travelling circuses some concessions (e.g. relating to compulsory registration or building regulations). With regard to the rules on compulsory registration, it would be worth considering amending the framework law on compulsory registration at Federal level to bring it in line with the regulation on inland navigation.

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<sup>61</sup> Busch-Roland circus.

## **LIST OF MAIN SOURCES:**

### **Circuses:**

- *Busch-Roland* circus, Alfeld
- *Krone* circus, Munich

### **Associations:**

- *BERID* (Federation for the promotion of the school education and education of children of members of occupational travellers' groups in Germany), Feuchtwangen
- *BSM, Bundesverband Deutscher Schausteller und Marktkaufleute e.V.* (Federal association of German showmen and market traders), Bonn
- *DSB, Deutscher Schaustellerbund e.V.* (Federal association of German showmen), Berlin
- *EFECOT*, European Federation for the Education of Travelling Communities, Brussels
- *Schule im Circus e.V.* (association for the education of children of circus members), Düsseldorf

### **Administrations / public authorities**

- Ministry of Education, Baden-Württemberg
- Ministry of Education, Bavaria
- Ministry of Employment and Social Affairs, the Family and Women, Bavaria
- Ministry of Education, Hessen
- Ministry of Economic Affairs and SMEs, Energy and Transport, North Rhine-Westphalia
- Regional Administration of Arnsberg (North Rhine-Westphalia)
- City Administration of Cologne, North Rhine-Westphalia, public affairs office
- City Administration of Datteln, North Rhine-Westphalia, division for social affairs
- City Administration of Frankfurt, Hessen, division for European affairs
- City Administration of Hamburg
- City Administration of Munich, Bavaria, division for social affairs
- City Administration of Wiesbaden, Hessen, division for culture

## Spain<sup>62</sup>

### 1. Introduction: history and current situation

The recent history of the circus in Spain goes back to the nineteenth century, when the circus was able to achieve its full potential and embark upon major artistic and economic development. From then on, the circus became part of the culture of Spanish society, and it entered the twentieth century as one of the most contemporary and popular forms of entertainment, with a permanent circus located in almost all the important cities of the country during the thirties. The Civil War dealt a major blow to business activities: the war itself and the post-war period dismantled a large part of the professional network, some members being forced into exile; the Spanish economy collapsed which made it difficult for circuses to remain in business and resulted in disapproval and persecution of the travelling arts.

Gradually, as the Spanish economy began to boom, the circus experienced a rebirth until, in the sixties, circumstances combined to produce a certain degree of magnificence: installations were renewed, the content became more spectacular and important technical and aesthetic advances were introduced. However, according to Rodríguez Torres<sup>63</sup>, the circus did not manage to gain strength as an industry. Its fragility became visible again in the seventies due to changes in lifestyle, the rise of television, the spread of new technologies to other forms of entertainment, etc. (Rodríguez Torres, 1999), and very few circus companies were able to survive this period. In the view of the experts, 'the crisis affecting the circus in Spain began with the demolition of *Circo Price* in Madrid in 1970' (Pedro Rocamora García-Valls<sup>64</sup>). Ever since its creation in 1880, *Circo Price*, Madrid's permanent circus, had acted as a unifying force for the circus arts in Spain. Destroyed by the Civil War, it reopened in 1940 and remained in operation for thirty years until its final demolition in 1970. A great many Spanish circus shows subsequently suffered a long and acute identity crisis, particularly in the period from 1978 to 1988.

In view of this situation, the First International Congress of Friends of the Circus was held in 1988, in collaboration with the Association of Circus Owners (*Asociación de Empresarios de Circo*) and delegates from 25 countries. At that congress, countries were asked to provide official recognition of the circus as an essential aspect of the historical and cultural heritage of humanity. The circus was proclaimed to be a form of entertainment worthy of a defined legal constitution and State aid. Lastly, emphasis was placed on the need to create circus schools and provide assistance for the teaching of circus arts.

Based on the conclusions of the above-mentioned congress, in 1990, the Spanish Ministry of Culture published the first ministerial order on aid to this sector. It also recommended that a research commission<sup>65</sup> draft of a white paper on the circus, addressing the problems

<sup>62</sup> Written in Spanish by Raquel Santos Pérez, trainee at the Directorate General for Research, European Parliament, May 2002, External Translation (DV\469510EN.doc).

<sup>63</sup> Report of the upper house of the Spanish Parliament, Special Committee on Stage, Musical and Audiovisual Arts, 23 September 1999.

<sup>64</sup> Pedro Rocamora García-Valls giving evidence to the Special Parliamentary Committee on Stage, Musical and Audiovisual Arts at its meeting of 23 September 1999.

<sup>65</sup> The National Circus Commission (*Comisión Nacional de Circo*), responsible for studying the position of the circus in Spain, was formed by representatives of the Association of Friends of the Circus (*Asociación de Amigos del Circo*), the National Association of Circuses (*Asociación Nacional de Circos*), the Spanish Association of Circus Owners (*Asociación Española de Empresarios de Circo*), the Spanish Circus Union (*Unión de Circos Españoles*), the Spanish Clowns' Club (*Club de Payasos Españoles*), the General Workers' Union (*Unión General de Trabajadores*), the Actors' Union (*Unión de Actores*) and the trade union Comisiones Obreras (*Workers' Commissions*).

preventing the development and dissemination of this artistic and cultural activity. Since then, a series of measures have been adopted in recognition of the sector.

Little by little the circus is evolving, ideas are changing and, in a small way, it has been adapting to the new social situation, with new, imaginative forms of expression, great novelties and elements revived from the past. New trends are appearing, such as a revival of 'classic circus' and permanent circuses or the increasing presence in Spain of 'new circus' shows.

It is important to note that the itinerant nature of circuses in Spain raises a number of particular issues when compared with most circuses in other European countries, because of the wide geographical area covered by Spain and the low population density of many of its regions. This study has drawn attention to a lack of unity within the sector and a paucity of up-to-date information. It is therefore difficult to give accurate numbers of circus companies, families and workers in Spain. According to estimates of the sector, there are only 20 to 30 circus companies in existence in Spain, with a population of 1 200<sup>66</sup>. This number is low and in danger of disappearing, since under the present circumstances they will be unable to compete with foreign companies that have a better financial and organisational structure. According to Emilio Aragón Bermúdez<sup>67</sup>, the low number of circus companies in Spain is 'a clear indication of the unfavourable circumstances for development and growth faced by the sector in Spain in comparison with our French or Italian neighbours within the European Union'. Foremost among the deficiencies of this sector are a lack of central, regional and local aid, and the absence of a national training school for circus performers.

## **2. Legislation affecting circus enterprises**

In business terms, circus activities in Spain are structured as private concerns. Businesses within this sector are brought together in a variety of associations, for example, the Spanish Association of Circus Owners (*Asociación Española de Empresarios de Circo*), the Spanish Circus Union (*Unión de Circos Españoles*) and the National Association of Circuses (*Asociación Nacional de Circos*). Unfortunately, these disappeared in 1996<sup>68</sup>, apart from the Clowns' and Circus Artists' Club (*Club de Payasos y Artistas de Circo*).

In Spain, legislation governing the circus forms part of the law on entertainment, which is the responsibility of the regional Autonomous Communities, and therefore differs from region to region.

By law, travelling circuses have to obtain the appropriate municipal permits in order to erect their big tops in public areas, assembly, publicity, fixation of posters, installation of ticket offices, megaphone, parking of caravans, lands, water, light, etc. Other permits circuses must obtain include those of transport, of insurance (civil responsibility, circus, animals, vehicles, etc.), of customs, licences from the Ministry of Industry, residence and identity check by the police, checks by the General Society of Authors (*Sociedad General de Autores*) for music in execution and labour permissions and contracts by the Ministry of Work.

The circus is a travelling community and requires a multitude of permits and inspections. Licence applications involve many regulations and bodies. Circus people also often complain

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<sup>66</sup> Data collected by EFECOT (European Federation for the Education of Children of Occupational Travellers): Survey of travelling communities and schooling provisions in Europe, 2001.

<sup>67</sup> Emilio Aragón Bermúdez giving evidence to the Special Parliamentary Committee on Stage, Musical and Audiovisual Arts at its meeting of 22 November 1999.

<sup>68</sup> Unfortunately, the death of Arturo Castilla, the motivating force behind these associations, meant that these circus-based professional organisations also disappeared.



about repeatedly having to undergo the same checks and inspections of their installations in every town they visit. The white paper on the circus proposed simplifying these permits, speeding up the formalities and reducing costs.

As regards the regional authorities, there are complaints about a lack of encouragement for development within the sector. A recent example is provided by a decree passed by the regional authorities of Valencia, regulating the granting by town councils of entertainment licences for temporary, mobile or removable installations. This decree has met with fierce opposition from circus owners due to certain requirements for the granting of licences for such entertainment, such as the setting up of a surety to the value of EUR 120 202 in favour of town councils (*Levante Digital*, 18 February 2002).

The National Circus Commission (*Comisión Nacional de Circo*), set up in 1990, and its white paper on the circus, made it clear that the world of the circus is affected by regulations originating from various ministries (the Ministries of Labour and Social Affairs, Foreign Affairs, the Interior, Industry, Culture and Education, etc.) and that there is therefore a need to coordinate an inter-ministerial policy to solve the problems affecting the circus. Nor does any ad hoc body exist within the government to assist the circus. It was therefore proposed that a body for the circus arts be created within the National Institute for Stage Arts and Music (INAEM), to be devoted entirely to matters of grants, research, the management of a national circus company and school of circus arts, etc. The ministerial order of 12 January 1990, known as ‘the circus law’ (Pedro Rocamora García-Valls, author of this regulation), partially addressed this proposal, acknowledging the circus as another cultural activity, comparable to dance, theatre or music, and providing for aid to the circus and a national circus award. Currently, INAEM is the institution responsible for the promotion, protection and dissemination of circus arts in Spain, together with theatre, music and dance. However, there is still no department within INAEM specialising in the circus, as there is for theatre, dance or music. Instead, this is one of the responsibilities of the Subdirectorate-General for Theatre (*Subdirección General de Teatro*).

In June 1999, the Spanish Senate set in motion the Special Committee on Stage, Musical and Audiovisual Arts (*Comisión Especial Sobre Las Artes Escénicas, Musicales y Audiovisuales*), which treated the circus as a matter of importance and heard evidence from various experts and performers from the world of the circus. This committee proposed that sector-specific laws be drawn up for the theatre, dance, music and the circus. The creation of a new legal framework was proposed to regulate the whole sector in accordance with Spanish and European legislation, in order to address the new circumstances affecting the transformation and adaptation of the circus to new times and new market conditions<sup>69</sup>.

### 3. Financial and other aid (at state, regional and local level)

The first final provision of the order of 27 May 1985<sup>70</sup> established the development of financial aid to the circus, according to the relevant regulations, to meet its particular special requirements. The ministerial order of 12 January 1990 laid down, for the first time in Spain, regulations governing aid to the circus. Since then, there have been yearly announcements of aid in an attempt to preserve this sector. The Ministry of Education, Culture and Sport (MECD) established three types of aid to circus companies: for production, for tours, and for the technical infrastructure and materials of the circus. A national circus award was also created, and has been awarded annually since 1990 to individuals or legal personalities who

<sup>69</sup> Special Parliamentary Committee on Stage, Musical and Audiovisual Arts at its meeting of 22 November 1999.

<sup>70</sup> Official State Gazette (BOE), 4.6.1985.

have distinguished themselves in any field of circus activities. This has a value of approximately EUR 30,000<sup>71</sup>.

For the year 2001, the resolution of 31 May 2001 announced aid to ‘development programmes for circus activities by means of information and publicity campaigns in Spain and abroad and technical development’. Grants to the circus focus on circus-tour activities in Spain, foreign tours, mobile technical infrastructure and stage equipment, and non-profit-making associations<sup>72</sup>. The INAEM resolution of 31 May 2001 announced grants to the circus via aid to programmes for the dissemination and development of theatre communication. As regards the circus specifically, this aid is directed towards non-profit-making entities that organise conferences, discussions and meetings between circus professionals, organise and/or participate in circus festivals, fairs or contests, announce national circus awards, produce publications about the circus and participate in training and promotional activities for circus professionals. In total, aid during the year 2001 amounted to approximately EUR 304,000<sup>73</sup>. This is a merely symbolic sum compared with other EU countries such as France, where in 1997 alone State aid to the circus amounted to approximately EUR 1.6 million (not including grants to circus schools).

Although the circus has achieved recognition as a cultural entertainment like dance, theatre or music, Pedro Rocamora García-Valls believes this is not enough and the circus needs more encouragement and assistance from town councils, regional authorities and central government. In addition, circus companies are forced to travel constantly around the whole country if they wish to remain competitive in the market. This travel incurs enormous costs, especially in the case of international travel. Circus companies are therefore demanding measures to facilitate this mobility, reduce travel expenses and encourage trips abroad.

On a local level, aid is regarded as ‘virtually non-existent’ (Emilio Aragón Bermúdez, 1999). One of the biggest problems faced by circus companies is ‘town councils’ greed for taxes’ (Marco Aragón, Director General of INAEM)<sup>74</sup>. In addition, with some exceptions, they provide uninhabitable land lacking in basic facilities. This lack of support at local level prevents the circus from developing properly, and contrasts with the treatment circuses receive from town councils and authorities in other EU countries. In the words of Emilio Aragón Bermúdez, ‘not only do town councils fail to help circuses pitch their tents and publicise their activities but, in practice, their only involvement with the sector is as tax collectors’.

The white paper on the circus identified a series of problems relating to town councils: excessive taxes; viewing the circus as fairground entertainment with regard to bids for municipal land; inadequate plots lacking sanitation, water, lighting and drainage and situated a long way from populated areas; or sites within fairgrounds exposed to deafening noise. Thus, ‘the incomprehensible attitude to travelling circuses shown by town councils oblivious to their problems and needs’ was identified by the National Circus Commission<sup>75</sup> as the main reason for the deterioration of the sector in Spain.

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<sup>71</sup> The national circus award was awarded to Cristina Segura Gómez (*Pinito del Oro*) in 1990, José Aragón Ipkins in 1991, the trapeze artiste Miss Mara in 1992, Rogelio Andreu in 1993, Emilio Briatore Alegria in 1994, *Circo Mundial* in 1995, *Circo-Museo Raluy* in 1996, *Circo del Arte* in 1997, José Villa del Río with his *Circo Atlas* in 1998, Antonio Papadopaulo Vaquero (*Tonito*) in 1999, Enrique Riquelme Romero in 2000 and *Los Quirós* in 2001.

<sup>72</sup> In 2001, the Trapezi Circus Festival was awarded a grant under this heading.

<sup>73</sup> Source: Subdirectorato-General for Theatre, INAEM, 13.3.2002.

<sup>74</sup> Marco Aragón giving evidence to the Special Parliamentary Committee on Stage, Musical and Audiovisual Arts at its meeting of 2 June 1999.

<sup>75</sup> The National Circus Commission’s white paper on the circus, 1990.

It is therefore proposed to remove the obstacles and burdens that hinder the business activities of circuses, beginning with the simple erection of the big tops, the total elimination of bids for circus plots, help with publicity, and the provision by town councils of developed land, with infrastructure, parking and basic facilities for circuses, as in many European countries.

In Spain, there are no tax benefits for circus companies, which are included in the general tax system and receive no advantageous treatment.

#### **4. Vocational training for circus performers: schools, grants, state aid and other measures**

Although not numerous, several circus schools do exist in Spain: *Escuela de Circo Campa* (Campa Circus School), *Escuela de Circo Rogelio Rivel* (Rogelio Rivel Circus School)<sup>76</sup>, *Escuela Municipal de Circo de Leganés* (Municipal Circus School of Leganés), *Asociación de Malabaristas-Carampa de Madrid* (Carampa Jugglers' Association of Madrid), *Escuela de Circo de la Ciudad de los Muchachos de Bemposta* (Bemposta Children's City Circus School), *Proyecto de Nou Barris* (the Nou Barris Project) of the Catalan Circus Association (*Asociación de Circo de Catalunya*), *Escuela de Circo Denis Vailly* (Denis Vailly Circus School), *Escuela Timbal* (Timbal School), *Escuela Tànger* (Tangiers School), the circus workshop at the Catalan National Institute for Physical Education (INEFC) and the *In Extremis* Juggling Association, among others. However, the courses taught at these schools are not recognised as vocational training and their diplomas are not endorsed by official approval.

Spain therefore possesses no national school or training centre for circus performers, 'essential for improving quality and ensuring the future of the circus' (Emilio Aragón Bermúdez). The creation of a national school or training centre, with study plans, programmes and teaching staff approved using the same criteria and academic requirements that apply to other disciplines, is regarded by many experts as one of the sector's most urgent needs. The survival of the circus in Spain "is dependent on the State ensuring that knowledge of the circus arts is passed on by creating a State school" (Zapatero Villalonga, 1999)<sup>77</sup>. The lack of a public institution responsible for training professionals in the circus arts also means, according to Jesús P. Hernández Jiménez, that most performers and professionals working in Spain come from other European countries, especially Italy and Eastern Europe.

In 1999, the Senate Special Committee stressed the need for vocational training in the circus arts, proposing a three-tier course structure: a first stage for studying gymnastics, acrobatics and interpretative dance; a second stage for further development and choosing an artistic discipline; and a final stage devoted to specialisation. It was also proposed that this training-course structure could be accommodated either in vocational training programmes – first and second-stage vocational courses for 14- to 18-year-olds – or in a prestigious educational establishment such as the School of Dramatic Art (*Escuela Superior de Arte Dramático*), which could award a qualification equivalent to a university degree.

The possibility of setting up a circus school to operate alongside the future permanent circus of Madrid is currently being considered<sup>78</sup>.

<sup>76</sup> The Rogelio Rivel Circus School, as a non-profit-making organisation, received a grant from INAEM in 2001 to the value of EUR 4,500.

<sup>77</sup> Zapatero Villalonga, Special Parliamentary Committee on Stage, Musical and Audiovisual Arts at its meeting of 23 September 1999.

<sup>78</sup> Special Parliamentary Committee on Stage, Musical and Audiovisual Arts, No. 505, 27.10.1999.

Meanwhile, various groups and associations involved with 'new circus' (members of the Federation of Associations for New Circus, FANC) have been busy publicising and promoting the circus through festivals, meetings and workshops for beginners and specialists in different circus techniques. In some Spanish cities, a number of groups own small premises in which they run circus schools in some cases. Using these as a starting point, together with the schools in Madrid, Barcelona and FANC, the aim is to gain support for the creation of several schools, to lay the foundations for a group of artistes and teaching professionals able to meet the challenge of a national circus school, 'with a full, modern educational programme that builds on the experience of the schools currently in operation all over Europe' (J. Jimenez, 1996).

The MECD has announced training assistance for students and teachers working in the field of culture, open to applications involving training activities in the circus arts sector. However, there is a lack of assistance and grants for performers to train abroad.

## **5. Labour legislation, working conditions and health and safety at work**

Royal Decree No 1435 of 1 August 1985 regulates the special labour relations for performers of public entertainment. It also covers all relations established for the performance of artistic activities before a direct audience in settings such as the circus. This regulation only provides for aspects capable of being dealt with in the same way in all sectors of artistic activity, such as types and forms of contracts, rights and obligations of the parties, pay, working hours, breaks, holidays, etc. The settlement and development of this basic scheme for special labour relations is left to collective bargaining. This special regulation does not apply to technical and auxiliary staff who assists at circus shows. The above-mentioned decree does regulate the participation in public entertainment of children under 16 years of age. This is permitted in exceptional cases, provided that such participation does not endanger their physical health or professional and personal development.

As regards the hiring of foreign workers, Royal Decree No 1435 of 1985 establishes that 'it shall be subject to the current legislation governing foreign workers in Spain' (Article 2). The circus is an international form of entertainment. Many circus workers come from other European countries, especially Italy and, more recently, Eastern European countries and Africa. It sometimes takes more than three months for permits for foreign performers to be processed and issued, making it difficult in great measure to hire them.

There is no specific legislation for the circus as regards working conditions. It is covered by general legislation: Law No 31 of 8 November 1995 on the prevention of occupational risks and other laws subsequently developed from it<sup>79</sup>. Nor is there sufficient data to be able to estimate the number of people working in the circus in Spain, or existing working conditions. In January 2000, one hundred temporary workers with the *Cirque du Soleil*, hired through the employment agency Manpower, complained about job insecurity, overtime and unpaid breaks (*El Mundo*, 9 January 2000).

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<sup>79</sup> Royal Decree No 39 of 17 January 1997 and Royal Decree No 614 of 8 June 2001.

## Health and Safety<sup>80</sup>

Which OSH regulatory framework/s is/are applicable?

The framework regulation applicable to such activities is the same as it applies to other manufacturing or service activities involving wage earners (employees). That is to say Act No 31/1995 on the protection of workers [*ley n° 31/1995 del 8 de noviembre de 1995 de prevención de riesgos laborales*] and its numerous implementing regulations. This Act transposes Directive 89/391/CEE. In this context, the other health and safety directives which have already been transposed regulate specific risks which also apply to circus shows where specific equipment or risks are involved.

Are there any specific OSH provisions for circuses?

The specific rules applying to circuses are laid down in Royal Decree No 2816/1982 of 27 August 1982 approving the general regulation governing public entertainment and recreational activities. This Decree provides for security and comfort requirements, fire protection and the need to draw up self-protection plans. Furthermore, it includes provisions making it compulsory to obtain an opening licence and for the monitoring and inspection of these activities by the relevant public authorities.

Do the OSH provisions cover visitors as well as workers?

The above-mentioned Decree aims to guarantee the safety and well-being of both the public and the circus performers, to whom it makes express reference.

Are there any problems with OSH inspection?

As has already been mentioned, the above-mentioned Decree lays down the conditions for inspection. The regional authorities are responsible for performing this task.

Are there any OSH provisions preventing non-national circuses performing in your country?

There are no specific rules governing circuses from other countries. Nevertheless, the above-mentioned provisions relating to the safety of public shows also apply irrespective of the nationality of the company putting on the shows.

You may consult the regulations referred to in this letter on the following websites: [www.mtas.es/insht](http://www.mtas.es/insht) and [www.mir.es](http://www.mir.es).

## 6. Social security regulation

Circus companies and their performers are subject to the general system of social security based on Royal Decree No 2621 of 24 December 1986 'incorporating the special social security systems of (...) artists (including circus artistes) into the general system', previously regulated by Decree No 2133 of 24 July 1975. Royal Decree No 2064 of 1995 'approving the

<sup>80</sup> Received in June 2002: *Replies to the information request on health and safety provisions concerning circus from the European Parliament*, Coordinated by: European Agency for Safety and Health at Work, Gran Via 33, Bilbao, E-48009 Spain, William Cockburn, Network Secretariat ([cockburn@osha.eu.int](mailto:cockburn@osha.eu.int), <http://agency.osha.eu.int>).

general regulations governing contributions and settlement of other social security rights' also applies to circus performers (Article 32).

Performers are covered by unemployment protection, this being regulated by Royal Decree No 2622 of 22 December 1986. This regulation stipulates that the duration of any unemployment benefit paid to professional performers shall depend on how many days' contributions were paid during the four-year period preceding official unemployment (Article 3).

With regard to retirement, Royal Decree No 2621 of 1986 stipulates that performers wishing to take early retirement may do so from the age of 60 and trapeze artistes, in particular, may do so without being subject to reduced rates.

The world of the circus raises a number of particular issues – the nomadic lifestyle, the international nature of the circus and the fact that many performers come from non-EU countries, the short-term nature of many contracts, etc. These issues must be resolved in such a way as to ensure health care for circus performers. For example, there are also proposals for a special system for the circus with regard to the payment of social security contributions and assistance from the Ministry of Labour.

## **7. Pre-school, primary and secondary education for circus workers' children**

According to sector estimates, there are approximately 300 families working and travelling with circuses in Spain, and approximately 600 school-age children<sup>81</sup>. Most Spanish circuses are on the road all year round, including winter, in contrast to other EU countries.

The general legal framework for educational action directed at the itinerant population is covered by Royal Decree No 299 of 28 February 1996, on actions directed towards compensating for inequalities in education. This lays down the procedure for the schooling of itinerant pupils and the basic approaches to the planning, organisation and operation of travelling school support units<sup>82</sup>. Aid and special programmes to allow children to remain with their itinerant families exist at regional level, particularly in Andalusia. The provincial authorities have an educational programmes unit and a department that deals with itinerant people.

Since 1986, the MECD, in agreement with circus owners, has adopted what is seen as the most viable solution: that of equipping 'travelling classrooms' that travel constantly with circuses throughout the whole school year. This travelling classrooms programme consists of yearly agreements between the MECD and circus management, defining the obligations of both parties. Specifically, the MECD undertakes to allocate the necessary teachers according to the number of pupils. The agreement stipulates one classroom for circuses with 6 to 12 pupils and two classrooms if there are more than 12 pupils. The circus, on the other hand, undertakes to provide a caravan for the teacher to live in and another caravan to serve as a classroom. It is also entitled to a grant from the Ministry of EUR 10,818,22 per classroom for travelling expenses, maintenance and teaching materials.

Education provided through this programme includes pre-school, primary and compulsory secondary education (ESO). The travelling classroom also accompanies the circus on trips abroad, although the teacher must notify the Subdirectorate-General for Educational Action

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<sup>81</sup> Data collected by EFECOT: Survey of travelling communities and schooling provisions in Europe, 2001.

<sup>82</sup> The arrangement, coordination and management of these actions is the responsibility of the Directorate-General for Education, Vocational Training and Educational Innovation (Dirección General de Educación, Formación Profesional e Innovación Educativa), being handled specifically by the remedial education unit of the Subdirectorate-General for Educational Action (Subdirección General de Acción Educativa).

(*Subdirección General de Acción Educativa*) to that effect. (Gabriel Castro, 2002) For the current 2001/2002 school year, the travelling classrooms programme has 16 classrooms divided among 11 circuses, serving a total of 106 pupils aged from 3 to 16 years (see Annex). According to Ana Canales, of the Association of Circus Schoolteachers (*Asociación de Maestros de Circo*)<sup>83</sup>, this age range is too wide for a single teacher. The teaching staff of the travelling circus classrooms currently consists of 17 teachers, members of the primary teaching profession. In addition to their official salary, teachers also receive a travel allowance. The MECD has set up a specific training plan for teachers who work in travelling classrooms, with the aim of adapting teaching and learning methods and content to the realities of these pupils<sup>84</sup>. In 1999, these circus teachers decided to come together, forming the Association of Circus Schoolteachers, with the aim of addressing problems encountered in connection with the schooling of itinerant children in circuses and fairs.

The 2001 'Report on the educational programme for the itinerant population' identified a set of contextual aspects that shape and delimit, in one way or another, school activities in travelling classrooms. The pupils are notable for their irregular schooling, their lack of interest or expectations in connection with education, especially beyond compulsory education, and their constant travelling that prevents consistency in educational programmes. With regard to the circus lifestyle, school hours have to be compatible with circus tasks; the fact that the circus is always on the move means that the school timetable is subject to constant change; and the circus may sometimes be located on unsuitable land. The classroom is generally very small and poorly suited to some school activities, with little access to other resources or educational innovations, and equipment deteriorates rapidly. With regard to the teaching staff of travelling classrooms, it is emphasised that they have little prior initial training in the context of the itinerant population. However, the Government contrasted such negative trends, and relevant improvements have been made. With this respect, the MECD signed agreements with new enterprises to secure the quality of teaching. Furthermore, the number of teachers assigned to travelling classrooms has been considerably increased, together with teachers' economic treatment. Year by year, training courses are organised and offered to teachers, which meet teachers' demands and consider the specificity of their workplace. Finally, classrooms have been supplied with computer facilities.

Some circus children are not included in the above programme, either because the circus does not have the minimum number of pupils, or by the parents' own decision. In such cases, it is the parents' responsibility to enrol their children at an appropriate establishment for the period of compulsory education. Some parents choose to send their children to a boarding school, some leave them in the care of relatives, and others decide to keep their children with them. In the latter case, they are enrolled with the Centre for Innovation and Development in Distance Learning (CIDEAD)<sup>85</sup>. All children of itinerant workers must be registered with this organisation, which is responsible for recording and coordinating teacher assessments, the award of qualifications, etc. Such children usually also attend the nearest school each time the circus moves to a new location. Clearly, a large circus without a school may spend more than a month in the same place, whereas small circuses usually change their location, and hence their school, every week. (Gabriel Castro, 2002) The Association of Circus Schoolteachers suggested that travelling classrooms could be shared between different circuses in order to

<sup>83</sup> Seminar for the teachers of circus children, Madrid, 8-11 January 1994.

<sup>84</sup> This training plan is currently implemented through two one-week courses held each year in Madrid, at the Higher Institute of Teacher Training (*Instituto Superior de Formación del Profesorado*).

<sup>85</sup> Distance learning for itinerant children is provided for by Royal Decree No 1180 of 2 October 1992, creating the Centre for Innovation and Development in Distance Learning (CIDEAD).

achieve the minimum number required, but the Ministry did not consider this a viable solution<sup>86</sup>.

It is very difficult to monitor children who travel with circuses, because in Spain they travel extensively all year round. According to Ana Canales, 'it is impossible to know exactly how many children there are' and 'it is very difficult to keep track of them'. At the seminar for circus teachers held in 1994<sup>87</sup>, it was noted that there was a lack of specific information about the number of circuses and their itineraries, such information being essential in order to establish contact between schools and circuses. Another comment concerned the need to provide information about access to education for small circuses.

Jesús P. Hernández Jiménez<sup>88</sup> classifies the education received by these children into three types, in terms of quality. The first group consists of children belonging to the director's family and performers and workers on fixed contracts, in whose case compulsory education is usually assured. A second group is dependent upon the duration of performers' and workers' contracts, and school attendance and achievement is therefore intermittent. The third group is composed of the children of unqualified and temporary workers, and school attendance is low.

The MECD participates and collaborates in projects at the European level as part of the Socrates – Comenius programme, such as the CINFO educational project 'Information on circus children', (Comenius 1), based on the production of a picture book to ensure successful reception at ordinary schools and the production of a teaching guide for staff; the project organised by FEDEC (European Federation of Circus Schools) entitled 'The transition school – active life' that aims to support the transition of circus children from school to working life; and projects organised and directed by EFECOT (European Federation for the Education of Children of Occupational Travellers) such as 'Guaranteeing the right to proper education and training of various groups of itinerant workers', 'In partnership we progress' or 'Travelling on together'. (See Socrates – Comenius Action 2. Compendiums 1996, 1997, 1998, 1999, 2000).

## 8. Current debates and future plans

It is true to say that the situation of some circuses in Spain has become truly lamentable. 'Sad though it is to admit it, the circus has sunk to a level of extreme dilapidation in this country', some circus shows descending to such a level of poverty that 'they carry sadness rather than joy from town to town' (Emilio Aragón Bermúdez, 1999). Faced with this situation, what does the future hold for the circus in Spain?

Some experts believe that the problem is due to the circus in Spain having followed a more traditional line than in other countries, where there is commitment to more avant-garde entertainment. The circus is increasingly becoming an avant-garde show, of great artistic and expressive quality. The evolution of the circus involves combining certain types of theatrical, circus and dance entertainment, and incorporating a series of technologies leading towards a highly promising and creative entertainment of the future that many people think will end up replacing the traditional circus. One example is the *Cirque du Soleil*, whose Spanish tour was a great success. In this sense, circus companies are blamed for having largely caused the crisis affecting the circus in Spain, through a lack of renewal, creativity and imagination. By failing to adapt to the new social and economic situation, the circus has left itself vulnerable to the

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<sup>86</sup> Interview in May 2002 with Ana Canales, secretary of the Association of Circus Schoolteachers.

<sup>87</sup> EFECOT: Report on the seminar for the teachers of circus children, Madrid 8-11 January 1994.

<sup>88</sup> J.P. Hernández Jiménez: 'Educational attention for the travelling population in Spain', EFECOT: Travelling on together – 10 years Efecot, 1998.



consequences of its fragile business structure and lack of public funding, 'to such a point that it has been condemned to remain on the periphery of artistic and business activity' (Rodríguez Torres, 1999). According to Rocamora García-Valls, in order to compete, Spanish circus owners need to find new types of shows and take more risks.

On the other hand, the crisis facing the circus in Spain is also blamed on a lack of public support. 'The creativity, innovation and development of these companies also demands investment, which can only happen with State aid' (Emilio Aragón Bermúdez, 1999). According to Tonetti<sup>89</sup>, 'the circus has never been given any facilities (...) not even to help it survive'. In this respect, as discussed above, there are proposals for a more favourable tax system, the removal of obstacles and burdens that hinder business activity, and more aid to the sector. At the same time, the lack of a training centre hinders the required transformation of companies and the appearance of new forms of circus.

Increasingly, 'new circus is beginning to make great progress in Spain' (Rosanna Muñoz, 1999). The success of *Circo del Arte* or circus festivals such as Trapezi, Magdalena Circus, *Fira de Circ al Carrer La Bisbal* (La Bisbal Street Circus Fair) or the International Festival of Circus Arts and Street Performers is evidence of the public's enthusiasm for the new artistic trends that make up contemporary circus, far removed from the traditional model. The circus also influences other arts such as theatre. For example, theatre companies such as *Els Comediants*, *Els Joglars* and *La Fura dels Baus*, to mention just a few, incorporate elements of the circus into their shows.

The concept of 'new circus' is also committed to a circus with no animals. The use of animals in circuses is increasingly rejected by society because of the harsh conditions entailed in long journeys, isolation, captivity, caging and the punishment involved in breaking-in and training. According to Theo Oberhuber, spokesman for Ecologists in Action<sup>90</sup>, 'increasing numbers of circuses, about 20 in Europe, do not use animals, for example *Circo del Arte*'. In Spain, there is no legislation governing the conditions in which these animals are kept and it is difficult to report mistreatment precisely because of the current gap in the legislation.

At the same time, there is a trend towards the revival of the idea of classical circus as art, in an attempt to recover the spirit of nineteenth-century circuses. Such circuses will gradually lose their animals and be maintained as museums, like the *Circo Museo Raluy* (Raluy Museum Circus), awarded the national circus award in 1996. Efforts are also being made to gain support for the idea of permanent circuses in cities, which would allow any circus in the vicinity of the city to stage a performance. In Madrid, the city council has approved a project to build a permanent circus, planned to open at Christmas 2003, with a spectacular circus show. (*El Mundo*, 25 July 2000).

However, the necessary evolution and artistic development of the Spanish circus, and its very survival, require special effort in terms of the training of performers, business innovation, attracting new audiences, renewing infrastructure, tax and administrative measures, collaborative agreements with communications companies, etc. In short, 'this effort is one that the circus sector cannot make on its own' (Rodríguez Torres, 1999).

<sup>89</sup> Interview with Tonetti, 25.4.2002.

<sup>90</sup> Canoa – *Sociedad*: 'Circus without Animals', 4.3.2002.

**ANNEX: DETAILS OF TRAVELLING CLASSROOMS<sup>91</sup>**

**Report on the Educational Programme for the Itinerant Population, 2001**

**1.- Details of the 16 classrooms in operation in the 2001/2002 school year**

CIRCO AMERICANO	3 classrooms
CIRCO WONDERLAND	2 classrooms
CIRCO UNIVERSAL	2 classrooms
CIRCO DEROS (ITALIANO)	2 classrooms
CIRCO COLISEO	1 classroom
CIRCO GIULIO (ROMA)	1 classroom
CIRCO HOLLIDAY	1 classroom
CIRCO AUSTRALIA	1 classroom
CIRCO EUROCIRCO	1 classroom
CIRCO OLIMPIA	1 classroom
CIRCO TONELLY	1 classroom

**2.- PUPILS taught in TRAVELLING CIRCUS CLASSROOMS (2001/2002 SCHOOL YEAR)**

CIRCUS SCHOOL	Pre-school Educ.	Primary Education			Compulsory Secondary Educ.		ADULTS ( G. E. )	TOTAL
		1st stage	2 <sup>nd</sup> stage	3rd stage	1st stage	2nd stage		
WONDERLAND	3	2	1	3	-	1	1	11
AMERICANO	3	5	1	2	4	4	11	30
HOLLIDAY	2	1	1	1	-	-	-	5
ROMA-GIULIO	1	1	1	-	1	2	1	7
AUST-QUIRÓS	-	1	-	1	-	1	-	3
UNIVERSAL	1	2	4	1	-	-	-	8
EUROCIRCO	1	1	2	1	2	1	-	8
ITALIA-DEROS	3	2	6	1	1	1	-	14
COLISEO	2	1	-	-	2	1	-	6
TONELLY	2	1	2	-	-	-	2	7
OLIMPIA	1	1	-	2	-	3	-	7
<b>TOTAL .</b>	<b>19</b>	<b>18</b>	<b>18</b>	<b>12</b>	<b>10</b>	<b>14</b>	<b>15</b>	<b>106</b>

<sup>91</sup> Data provided by Gabriel Castro (schoolteacher of the travelling classrooms programme) in the 2001 report on the educational programme for the itinerant population.

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## France<sup>92</sup>

### 1. Introduction

Conceived in the 18<sup>th</sup> century in England as a result of the desire and will of a cavalry sergeant, the modern circus is primarily the reflection of an urban society avid for equestrian entertainment. Do we really agree that the origins of this can be traced back to the Roman circus? Should we accept the violent heritage and bloodbaths of the latter or rather deny any reference to these spectacular excesses? This is a difficult problem, solved in part by the names taken from the two main forms of the ancient spectacle – the amphitheatre and the circus – which were given to competing establishments in the 18<sup>th</sup> century.

In 1768, Sergeant Philip Astley set up on his own in a field in the open air and, using a mixture of genres, defined the first performance codes, the circular ring, the variety of entertainment and the comic situations.

In 1830, Michel Boglione, who was originally from Italy, settled in France. In the beginning, the first members of this celebrated circus family were Italian gypsies of Hungarian origin who lived as travelling entertainers. They moved around parading bears or other ferocious animals in public places. It was in 1924 that the Boglione family, now named Bouglione, really started to produce circus shows as we know them today. At that time, there was no big top and they worked mainly in public places and subsequently at funfairs.

In the 20<sup>th</sup> century, the circus saw some good times and bad times. It went from the glory of a festive and colourful environment, highly symbolic of childhood and fantasy but also difficulty, through to crisis and the dry period of the 1970s. It was then reborn in the 1980s with new styles and a new genre of circus which nevertheless still has echoes of the traditional circus.

Nowadays, the live show consists of a medley of entertainment characterised by a wide variety of specialties. In addition, the diversity of statuses (permanent staff, casual performers, staff working for the local public service) is a hindrance to the professional structuring of the circus which is still relatively undeveloped. Despite these problems, more than 10 million French people visit circus shows every year. In 1996/97, approximately 1 105 casual performers were spread between over a hundred circus enterprises affiliated to the AFDAS or *Association pour la formation professionnelle dans les domaines des arts et du spectacle* (Association for vocational training in arts and entertainment). The circus is therefore actually regaining ground when you realise that around 3 000 to 5 000 artists are involved in this sector. According to the GRISS or *Groupe des Institutions sociales du spectacle* (Group of social security institutions for entertainment), 52 circus enterprises were listed in 1998 but these statistics actually hide the fact that there were around one hundred enterprises with a more or less professional operation and around the same number of micro-structures (companies, individual artists and so on). It should be noted that the activity of the small circuses, known as ‘village’ or ‘beach’ circuses, does not appear anywhere although these establishments attract 26% of the public according to the survey by the DEP or *Département des études et de la prospective* (Department of surveys and canvassing).

The state of the circus in France is clearly different from the other countries of the European Union in terms of both its legislation properly speaking and the State aid intended for the promotion, creation, training and diffusion of this art. France actually has an incomparable

<sup>92</sup> Written in French by Mayia Le Texier and Laurence Cecchetti, trainees at the Directorate General for Research, European Parliament, May 2002, External Translation (DV\471088EN.doc).

system of protection and aid for French circus enterprises. However, the gap existing between, on one hand, the official account taken by the public authorities of the circus world through schools, artists and other enterprises and, on the other, the complex and diverse reality of this art must be recognised.

## 2. Circus legislation and status in France

The crisis at the beginning of the 1970s saw the disappearance of a large number of the most prestigious circuses and marked the end of certain dynasties in which skills were passed from father to son. It also revealed the major dysfunction in the sector affecting the very forms of operation, in particular the itinerancy, the often archaic management methods and the problem of applying the numerous laws on labour, safety of spectators and the environment. Added to this was a deterioration in the quality of the shows which paradoxically allowed the emergence of new artistic forms. Since the end of the 1970s, it has therefore seemed necessary to structure the sector. The integration of circus management within the Department of Theatre, Music and Dance of the Ministry of Culture was a first step. Subsequently, the creation of several associations such as APEAC in 1980-82 and ASPEC which then became ANDAC in 1987 and then disappeared in 1994 have allowed both the teaching and training of circus arts and also their promotion and diffusion to be regulated.

The legislation on the circus is very diverse in France. Order No 2339 of 13 October 1945 on entertainment (amended by Act No 198 of 18 March 1999), Act No 3 of 3 January 1969 (and Decree No 708 of 31 July 1970 implementing Title I and certain provisions of Title II, amended and supplemented by Decree No 85 of 18 January 1984) on the performance of itinerant activities and on the scheme applicable to persons travelling in France without a habitual or permanent residence and an implementing circular of 13 July 2000 on the entertainment presenter's licence constitute the legislative framework governing the status of the circus in France.

In addition, a range of legislation in the economic and social areas completes the legalisation of circus-related activities, such as the teaching of circus arts and the establishment of lists of schools and available training. For example, the signature, on 9 March 1999, of a circular on the teaching and practice of circus arts from the leisure perspective and the framework agreement between, on one hand, the Ministries of Youth and Sport and Culture and Communication and, on the other, the *Fédération française des écoles de cirque* or FFEC (French federation of circus schools) can be mentioned.

As it falls under the legislation on entertainment, the circus is therefore governed by the 1945 Order which applies *'to live shows produced or presented by persons who, with a view to the performance in public of a work of the mind, ensure the physical presence of at least one entertainment artist in receipt of remuneration'*. It also specifies that *'a presenter of live entertainment is any person who operates entertainment premises or produces or presents entertainment ... Presenters of live entertainment are classed in one of three categories:*

- *operators of entertainment premises suitable for public performances;*
- *producers of shows or tour presenters who are responsible for a show and who in particular have responsibility as the employer with regard to the cast of artists;*
- *presenters of shows who are responsible (...) for receiving the public, ticketing and the safety of the shows and tour presenters who are not responsible for the cast of artists'.*

In this respect, a circus enterprise must hold an entertainment presenter's licence in order for its itinerant activity to be governed. Defining six categories of licence, the 1945 Order assigns licence n° 5 to the circus. In order to obtain this, the application must be made to the DRAC

or *Direction régionale des affaires culturelles* (Regional department for cultural affairs) and proof must be provided of a lease or title deed for the premises occupied during the performance. Granted for a period of three years (since the reform of 18 March 1999)<sup>93</sup>, the licence is automatically renewed, except when a different decision is notified by the responsible authority. In addition, since 1 January 2000 and until 31 December 2004, circus enterprises must also pay an indirect tax which, according to Decree No 1 of 4 January 2000, **Article 1**: '*is intended to finance actions to support private theatre and variety shows*' and, according to **Article 2**: '*is imposed on public performances of lyrical, choreographic or dramatic art shows and variety shows*'.

On the artists' side, there is the Labour Code in which Article L.762-1 *et seq.* covers employment contracts, remuneration and placing.

### 3. Financial aid

In 1979, the circus was brought under the Department of Music, Theatre and Dance of the Ministry of Culture. Due to the crisis affecting the circus during this decade, a series of measures were adopted to encourage both training in and the diffusion of this art. The structuring of the sector resulted in particular from the creation of various associations for promoting, modernising and supporting the teaching of the circus. APEAC<sup>94</sup>, which was formed in 1980-82, became ANDAC<sup>95</sup> in 1988 and then disappeared in 1994, tried to fulfil this brief. After the disappearance of this association, the Ministry of Culture fixed four objectives in order to reinvigorate the circus:

- The creation of a register of enterprises and the updating of circus legislation;
- The establishment of different types of economic aid for enterprises;
- Encouragement of the modernisation of the sector and permanent dialogue between the traditional circus and the new circus;
- Guarantee of quality training for circus professionals.

We will now look, at this point of the study, at the aid granted to enterprises. Previously allocated by ANDAC, subsidies to circus companies and enterprises are now granted by the Department of Theatre and Entertainment of the Ministry of Culture.

#### A. Economic aid to enterprises:

Three categories of aid are granted in France:

- for the operation,
- for the creation and
- for theatrical innovation.

The operation aid is composed of subsidies granted by the central administration or regional departments of culture, similar to that granted to theatre companies and depending on the importance and size of these enterprises.

<sup>93</sup> Act No 99-198 of 18 March 1999 (Official Gazette of 19 March 1999).

<sup>94</sup> Association pour l'Enseignement des Arts du cirque (Association for the teaching of circus arts).

<sup>95</sup> Association Nationale pour le développement des Arts du cirque (National association for the development of circus arts).

The creation aid is intended for avant-garde or innovative shows. It is granted to professional enterprises which have been in existence for over two years and which have conceived and produced at least two shows with a minimum of 30 performances.

The theatrical innovation aid is intended to improve the quality of existing shows, that is to improve their sound, lighting, scenery and so on. As with the creation aid, two years in existence and two shows with 30 performances are required to receive this aid.

In 1997, the overall aid amounted to around 10 million French francs. The largest share of this aid, around FRF 3 million, went to the operation of the 'New Circus', followed by the aid to the 'traditional circus' which amounted to around FRF 2.5 million. Innovation aid accounted for FRF 1 million and creation aid for FRF 2.4 million. Projects were supported with FRF 600,000 and festivals with FRF 700,000.

#### **B. The development of aid for the circus structures:**

In terms of aid for the operation of the new circus and traditional circus combined, this increased from around FRF 5.1 million in 1995 to FRF 5.6 million in 1997.

As for innovation aid, this amounted to FRF 1 million.

Also in 1997, creation aid amounted to FRF 2.4 million.

The aid for projects was FRF 600,000 and the aid for festivals was FRF 700,000.

In total, this aid increased from FRF 9.9 million in 1995 to FRF 10.3 million in 1997.

Taking the decentralised aid from the DRACs separately, this increased from FRF 1 million in 1995 to FRF 2.3 million in 1997.

It can be seen from these statistics that the aid for circuses, in terms of operation and structures, from both the State and local authorities, constantly increased over these three years.

### **4. Education, training of artists in 'circus arts' (state aid, subsidies, other measures)**

#### **A. The schools**

In 1986, the *Centre National des Arts du Cirque* or CNAC (National centre for circus arts) was created which, based at Châlons-en-Champagne, enables and encourages the development of young talent in order to produce true professionals. The studies within this higher education establishment are arranged in two parts. The first, lasting two years, takes place at the *Ecole nationale de cirque de Rosny-sous-Bois* or ENCR (National circus school at Rosny-sous-Bois) and leads to the *Brevet artistique des techniques du cirque* or BATC (Artistic diploma in circus techniques) which is a Level IV baccalauréat qualification. This diploma allows its holder either to enter professional life or to sit the entrance examination for the second part at ESAC.

In 1988, the *Fédération Nationale des Ecoles de Cirque* or FNEC (National federation of circus schools) was created in Avignon. Bernard Turin (current president of the CNAC) became its president. Since then, the FNEC, which became the FFEC in 1994 (with new statutes), has been entrusted by the State with the task of promoting the development of the teaching of circus arts and harmonising the methods of teaching these. The 'Agréments' (Approvals), established in 1995 and marking the start of the State regulation, were overwhelmingly approved both by the circus schools and by everyone directly or indirectly related with the circus, and also by the Federation. When the Federation approves a school, it



certifies that, on one hand, this practises and teaches circus arts with full respect for the child and, on the other, that it is aware that the activities of the circus are primarily an art. Therefore, the motto of the Federation: '*Le cirque est un art, il s'enseigne dans le respect de la personne*' (The circus is an art and should be taught with full respect for the person) guides these actions.

Four main 'Agréments' were established:

1. HEALTH: 'To guarantee, in the long term, respect for the physical potential of each person'
2. SAFETY: 'Technical knowledge relating to the choice, use and maintenance of equipment'
3. TEACHING METHODS: 'To accompany the development of the individual in accordance with the legislation in force'.
4. TRAINING: 'Specific skills of teachers, evidenced by the BIAC or *Brevet d'Initiateur aux Arts du Cirque* (Initiator's diploma in circus arts)'. The Federation actually created this federal diploma in 1995 for voluntary teachers (in principle).

Currently, the Federation encompasses around 100 approved schools, another 50 which are being approved and over 10,000 graduates. However, it is considered that the number of places practising circus arts in France is around 400 to 500.

To give a few examples:

*Arc en Cirque* is an approved school (*Centre de formation professionnelle* or vocational training centre) which holds n° 82 73 000 309 73 and which has signed an Agreement, n° 96 396 61.01, with the Rhône-Alpes region and the European Social Fund (ESF). The school uses a voluntarist approach to Circus Arts training which falls within a national, European and international dynamic. Since 1987, Arc en Cirque has provided youngsters with training leading to a qualification allowing them to access the various specialties. To this end, the vocational training centre for Circus Art specialties accepts youngsters seeking to become professionals. The training is both technical and artistic. The technical training is of a high level and covers all the circus disciplines including acrobatics, aerial work, juggling and balancing on equipment. The artistic training covers dance, physical expression, theatrical expression and acting and the general training covers anatomy, physiology, labour law, social law, history of the circus, music and dance, sound and light engineering, make-up, job seeking and curriculum vitae.

Arc en Cirque also has a European dimension. In order to promote circus activities, its training, promotion and information centre is trying to establish a network through institutional, cultural, professional and financial partnerships with French institutions and other circus schools/associations such as CNAC, FEDEC (European Federation of Circus Schools), AFDAS and FFEC. This network is also intended to establish links, meetings and exchanges and to develop and enrich circus arts.

More specifically, this school provides three types of training corresponding to three professional projects:

In 1986, the *Centre National des Arts du Cirque* (CNAC), based at Châlons-en Champagne, was created. This enables and encourages the development of new young talent. This centre grants a diploma allowing its holder either to enter professional life or to sit for the entrance examination to the second part of the training at ESAC. In 1988, the *Fédération nationale du cirque* (National circus federation) was created in Avignon. In 1994 it became the FFEC and

was entrusted by the State with the task of promoting the development of the teaching of circus arts and harmonising the methods of teaching these. It approves schools and thereby certifies that these approved schools are teaching circus arts in full respect for the child (health, safety, teaching methods, training) and that it is aware that the activities of the circus are primarily an art. Currently, the Federation encompasses 100 approved schools and 50 which are being approved, such as Arc en Cirque.

The guarantees in place in France should be one of the factors attracting potential artists from other countries, as also their reputation. However, it should be stressed that there are virtually no children in these schools who come from the circus world. This is due to the high level of schooling required for selection and also the cost.

*Education problem:* This is currently a real problem particularly for the small circus structures. The problem of teaching the children of travellers was broadly envisaged in its European dimension by EFECOT (European Federation for the Education of the Children of Occupational Travellers) which principally highlighted the need to adapt school structures for travellers.

#### **B. Preparatory training for access to national and international schools:**

This is open to all youngsters between 16 and 22 years of age who can show evidence of previous experience of circus arts and who wish to sit the entrance examination to the national or international schools.

This involves 1 200 hours on a sandwich course of which around 290 hours are in a professional situation, at the rate of 32 hours per week from October to June. This technical training is high level and combines artistic training with general training and also observation and experimentation which are individually monitored. The training may be paid for totally or partially by CNASEA (National centre for developing the structure of agricultural holdings), FONGECIF (Management fund for individual training leave), AFR (Family and rural association), Défi jeunes (Youth initiatives organisation), grants and other methods.

#### **C. Training of the trainers:**

This is equivalent to preparing for the BIAC examination. It is open to people aged 17 or over who can show evidence of previous experience of circus arts and who adhere to the guidelines of the FFEC. If people want to become involved in leading circus arts discovery workshops, the federal diploma allows them to lead circus art initiation and discovery workshops in the schools approved by the FFEC. Arc en Cirque is authorised by the FFEC to organise the BIAC.

*Ecole supérieure des Arts du Cirque (ESAC)* (Circus arts school) is an official school whose organising body is the *Commission communautaire française* or COCOF (French community commission). To gain access to this, applicants must have a diploma equivalent to the certificate of upper secondary education in Belgium. The course taught by ESAC runs over three years, on a full-time basis, that is 35 hours/week. The basic disciplines are acrobatics, dance and acting. Circus techniques (aerial work, balance, acrobatics and juggling) are taught in the spirit of the new circus. The programme consists of complementary disciplines which encourage creativity and innovation: music, scenography, dramaturgy, history of art. The anatomy, diet, biomechanics, scenery engineering, English and career management courses give the artist the tools needed for their professional integration. As a school belonging to COCOF, ESAC encourages the establishment of bilateral and multilateral relations with the other international circus schools. The school is also a founding member of FEDEC.

Apart from these two schools, there are, as has been mentioned, around 80 schools approved by the FFEC and another 500 circus schools in France.

*Ecole Nationale de Cirque*: this is of particular interest due to its training of foreign students in circus arts. It is actually a programme of college studies over three years aimed at international students who have completed their secondary education and who may obtain a *Diplôme d'études de l'Ecole* or DEE (Study diploma from the school). This involves both theoretical and practical training. The first year is an introduction and the next two years involve specialisation.

The ***Fédération Européenne des Ecoles de Cirque professionnelles*** (European federation of professional circus schools) is an international non-profit-making association. Its aim is to try and ensure that everyone can take advantage of the initiatives and skills acquired in the EU countries by developing consultation, exchange and training actions. It also has the tasks of bringing together those responsible for teaching circus arts in Europe, encouraging exchanges in the area of performing circus arts and promoting the work of young circus artists.

In November, the *Festival Européen d'Ecoles de Cirque* (European festival of circus schools) will take place.

#### **D. Subsidies, aid and other measures**

##### *Subsidies:*

The Department of Theatre and Entertainment of the Ministry of Culture subsidises 94% of the circus activities in France. In 1997, a total of FRF 16 million was paid through the CNAC and FRF 5 million was granted to all the other circus schools. In the current context of a research policy in the area of live performance arts, developed by the DMDTS (Department of music, dance, theatre and entertainment) in 2002, the aid allocated to programmes presented by the research teams will not be given an upper limit, with their average amount, however, generally being between EUR 15,000 and EUR 30,000. The amount of the individual research grants will be limited to EUR 8,000. This policy involves the following thematic areas: artistic creation, artistic culture, teaching methods, heritage.

More specifically for CNAC:

- The Rosny school, which grants the BATC Level IV diploma and accepts around 35 students from 16 to 23 years of age over two years<sup>96</sup>, has received a budget of FRF 4.25 million originating from the Ministry of Culture (FRF 2.5 million), the town (FRF 1.3 million), the department (FRF 0.2 million) and the leisure contributions (FRF 0.25 million).
- The Châlons-en-Champagne school, which grants a *Diplôme des métiers des arts du cirque* or DMAC Level III (Circus arts diploma) and accepts around 38 students from 18 to 25 years of age over three years, has received around FRF 18 million of which FRF 15.5 million is from the Ministry and FRF 2.5 million from various sources in the region, town or department.

##### *Training aid:*

The promotion and information organisation, 'Hors les Murs', is responsible for distributing information and promoting and developing circus and ring arts. Created in 1990 by the Department of Theatre and Entertainment (DTS), the association, due to the void left by the

<sup>96</sup> The school also accepts, in the context of leisure activities, around 130 students including young people on Wednesdays and also adults and professionals at night.

‘disappearance’ of ANDAC and the failings of CNAC, has been entrusted by the Ministry with the following priority tasks:

- Organisation of meetings between professionals;
- Creation of a quarterly magazine: ‘Arts de la piste’ [Ring arts];
- Advice to companies and partners (taxation, regulations and so on);
- Establishment of a database on circus arts.

The *Association française d'action artistique* or AFAA (French association for artistic action), created in 1922 by diplomats and intellectuals and which is State-approved, has the task of promoting international artistic exchanges. It helps to promote French works and artists abroad and encourages the acceptance of foreign artists in France. It also carries out specific work in favour of the new circus. Based on two structures: the *Commission technique cirque et arts de la rue* (Technical commission for the circus and street arts) and the *Conservatoire itinérant des arts de la piste* (Travelling academy of ring arts), it has launched around fifteen joint training and creation operations for which a budget of FRF 500,000 has been released. To illustrate this, here are a few figures from the budget devoted by the AFAA to information and cooperation in 1998:

- Information on circus and street arts = FRF 3.3 million;
- Cooperation/creation of circus and street arts = FRF 940,000

#### *Financing of circus specialties training:*

Here are a few figures from 1997 on the subsidies granted by the Ministry of Culture to circus specialties training, divided by school:

- CNAC: FRF 15 million
- Rosny-sous-Bois school: FRF 2.5 million
- *Ecole nationale de Cirque Annie Fratellini* [Annie Fratellini national circus school]: FRF 950,000
- *Association le Théâtre à Bâtir (Ecole de cirque de Châtellerauld)* (Theatre development association [Châtellerauld circus school]): FRF 1 million
- FFEC: FRF 450,000

## **5. Working conditions, employment legislation, health and safety in the workplace**

### **A. Employment legislation**

Under the applicable legislation, a performance artist (which includes circus artists) is presumed to be an employee. Article L.762-1 of the Labour Code specifies that: ‘*any contract through which a natural or legal person provides, in return for remuneration, the assistance of an artist in a show with a view to its production is presumed to be an employment contract provided that this artist does not perform the activity covered by this contract under conditions involving their registration in the trade register*’. The Labour Code considers ‘*as performance artists, in particular, lyrical artists, dramatic artists, choreographic artists, variety artists, musicians, singers, ancillary artists, conductors, arrangers-orchestrators and, in the physical performance of their artistic conception, directors*’.

Three elements form the basis of this employment contract:

- the provision of labour: artistic or technical services;
- the remuneration: in return for the provision of labour;
- the legal subordination: decisive criterion of the employment contract; this is characterised by the employer's authority to manage, supervise, instruct and order the employee.

The employment contracts of casual performers are fixed contracts. Although the form of employment under common law is the permanent contract, options for using the fixed contract are offered by the law under specific conditions. Article D.212-2 of the Labour Code specifies the list of sectors in which the fixed contract is in constant use '*due to the nature of the activity performed and the character, which is temporary by nature, of the jobs*'. This applies to live performance activities and also to cultural activities, radio and television, film production, record production and leisure and holiday centres, among others. Given the intermittent nature of entertainment, fixed contracts are used under specific conditions allowing an employer to conclude successive fixed contracts without any limit in number. This is an exception to the normal rule according to which the fixed contract cannot be renewed more than twice for a period at most equal to that of the initial period.

## **B. Working conditions, health and safety in the workplace:**

Among the legislation governing circus arts, the regulations on the safety of circus and big top performances are contained, on one hand, in the general texts on safety in ERPs<sup>97</sup> and, on the other, in the specific provisions on big tops, tents and structures contained in the amended Decree of 23 January 1985.

In terms of occupational medicine, the applicable rules are those laid down by Article L.241-1 *et seq.* of the Labour Code, namely that the enterprise must ensure that the employee has benefited from an occupational medical examination within the last year. Failing this, the employee must be made to undergo an examination of suitability for employment by the occupational doctor.

Health and safety rules are also defined by the Labour Code and, in application of Book II thereof, the employer is responsible for respecting the health rules (toilets, cloakrooms, dressing rooms, catering conditions, temperature of the premises and so on) and safety rules (electrical installations, risks of people or objects falling, toxic risks, fire and so on).

A significant advance in working conditions and safety in the workplace within the circus environment has been made with the recent *Charte d'Accueil des Cirques* (Circus acceptance charter) within the communes, signed in the context of the Year of Circus Arts (summer 2001/summer 2002). This regulates more specifically the establishment of circuses in towns and details, in its annexes, 'the technical conditions for the installation of circuses in towns' and 'the safety of performances and big tops' and refers to 'the law applicable to circus animals'<sup>98</sup>.

<sup>97</sup> Establishments receiving the public.

<sup>98</sup> The charter may be downloaded from the following site: [www.anneeducirque.com/charte.pdf](http://www.anneeducirque.com/charte.pdf).

## 6. Social regulations: social security and quality of life in circus enterprises

There is no collective agreement covering the areas of the circus, discotheques (except for the collective agreement of 11 March 1957 on pensions), theatre workshops or even street performances nor for artists and technicians involved in institutional audiovisual production. However, discussions are under way in order to establish agreements or to renegotiate a terminated agreement (for example, the national collective agreement for casinos – Official Gazette booklet 3167 – which was terminated and with regard to which the new negotiations could cover all staff with, in particular, a Performance branch).

The circus arts sector also suffers from a chronic lack of representation between employers and workers. This is less quantitative than qualitative with regard to the employers' organisations. There are currently three of the latter:

- the *Syndicat des Cirques Français* (Trade union for French circuses) claims to have around 20 members from among the largest traditional circuses. It is currently presided by the Chairman and Managing Director of the Pinder-Jean Richard Circus, Gilbert Edelstein. This organisation is a signatory of a number of inter-sector professional agreements in the entertainment industry covering supplementary pensions, vocational training, the fight against illegal work and so on;

- the *Syndicat Franco-européen du cirque* (Franco-European trade union for the circus), resulting from a recent split in the above union, also claims to have around twenty members of which a good number are foreign. It is presided by Sampion Bouglione and is not yet a signatory of any text;

- the *Association pour le Nouveau Syndicat des Cirques Français* (Association for the new trade union for French circuses), which claims to cover the new circus, was established very recently (20 January 1998) by around 19 founding companies/members. It allegedly already has around forty members.

On the employees' side, trade unionism seems weak and is more concentrated among artists and musicians and in the new circus. In many new circus companies, reference is made to the collective agreement for artistic and cultural enterprises covering minimum wages and even other clauses which are easily applicable or transposable. In the traditional circuses, on the other hand, the only reference, in the best case, is to the Labour Code and the index-linked minimum growth wage in terms of wages.

## 7. Education of circus children

It is a tradition in the circus world that the 'children of the theatre' take part in the performance. Sometimes involved in numbers from a very young age, they take roles which are reserved for them and which teach them the trade on the job.

At the time of the big circus families and until the 1950s/1960s, the school, namely the teacher, lived in the circus, moved with it and took charge of teaching the children who also learnt their trade as acrobats or animal trainers with their parents.

The splitting up of families, the increasing problems within the circus professions and also the desire of parents or the children themselves to choose a life perhaps less hard than that of the 'travelling performer' led to the disappearance of the travelling school. Children were then less present in the life of the circus or, where they still were, it was to the detriment of their schooling. In this respect, a survey of the small family or 'village' circuses would probably reveal a sad situation in terms of the level of education of the children - and parents - within these structures. This poses a real problem, particularly for the small circus structures. The

problem of schooling for travellers' children was broadly envisaged in its European dimension by EFECOT which principally highlighted the need to adapt school structures for travellers. In April 2002, the Ministry of Education also insisted on the necessity to take into account the special needs of the travellers' children, in order to increase their diligence. To this end, the functions of the CEFISEM (centres of training and information for the schooling of the children of migrants) were redefined and the latter were renamed CASNAV (centres for the schooling of newcomers and traveller's children). The staff of CASNAV is now in charge of facilitating the integration of these children into schools by assisting the teachers. They also have a responsibility to mediate and co-operate with pupils' families and partners of the National Education<sup>99</sup>.

There are several circus schools in France. To give a few examples, the Arc en Cirque school offers, from the age of 4, activities to introduce the circus to the very young. Firstly, there is the physical-acrobatics-circus arts introduction which involves early-learning activities for the very young (babies from 12 months) and children (from 3 to 12 years). Then, from 6 years, circus arts are introduced. The *Ecole Nationale du cirque de Châtellerault* also provides an initiation and even an advanced course in the circus which is open to everyone: children, youngsters and adults. This is a versatile apprenticeship in the various disciplines of the circus: aerial work, balancing, acrobatics and so on. It is open to children from 6 to 10 years, to teenagers and to young people and adults too. Moreover, the school organises a training course for youngsters who are at least 13 years of age and who have already been involved in the circus. They are put to work in the same areas. The final example (but there are as many examples as there are circus schools in France) is the 'circus arts' workshop at the MJC (community arts centre) in Limeil-Brévannes which offers balancing, juggling, monocycle, acrobatics and many other disciplines and is intended for 8-11 year-olds and 12-15 year-olds. Beyond adolescence, children generally follow, if they wish, the normal circus arts training courses which could then lead to diplomas.

## 8. Issues and prospects for the circus in France

The main issues being debated in the French circus world are currently dominated by the safety of workplaces, the use of circus animals and the reorganisation of the sector.

Firstly, the problems of the profession are completely specific in comparison with other performance activities. The itinerant nature and its cost represented by the purchase of a big top, its maintenance, replacement and movement, are entirely shouldered by the circus enterprise. This problem is particularly important for the traditional circus as the modern circus can take place in normal concert halls where the costs are supported by the hosting communes.

On the subject of animals, after two years of research carried out by the *Ligue Française des Droits de l'Animal* or LFDA (French league for animal rights), it is noted, in a 2001 report on 'the wild animal in entertainment', that the situation in France is the same as eleven years ago! According to this report, 'in addition to thirty or so French circuses listed by ANDAC, there are nearly 200 circuses in an irregular situation which, in particular, do not possess the licence for their animals'. The report also denounces the conditions in which animals are held which are in total contradiction with their normal needs (feeding, reproduction, socialisation, cleanliness and so on) not forgetting the specific needs of animals such as elephants, hippopotamuses, polar bears and sea-lions which require large quantities of water that circuses cannot provide. The removal of claws and teeth, albeit prohibited by the 1987

<sup>99</sup> Decision of the Ministry of Education, 25.4.2002 ([www.education.gouv.fr/bo/2002/special10](http://www.education.gouv.fr/bo/2002/special10)).

Decree, the withholding of food and the use of instruments for training must be included on the list of suffering which animals endure. All these acts lead to permanent stress and stereotypical behaviour, even more so than in a zoo. Moreover, administrative and veterinary controls are rare in France.

Finally, in terms of reorganising the sector, numerous weaknesses have been noted. This is, on one hand, a sector about which little is known. No one can state with any certainty (as already mentioned) the number of circus enterprises, their turnover, their staff numbers and so on. It is a badly organised sector. On the other hand, it is very divided (three trade unions) which explains the difficulty in organising dialogue and true equal representation. This is compounded by the absence of a collective agreement for the circus specialties. Finally, relations with the public authorities must be consolidated. The disappearance of ANDAC is depriving the profession of a place for consultation and debate between professionals and the State as well as the replacement of the support fund by direct financing from the Ministry of Culture and the DRACs is causing regret and questions.

To end on a positive note, from the summer of 2001 to the summer of 2002, the 'Year of Circus Arts' is taking place in France. To this end, the speech of the Minister for Culture and Communication, Catherine Tasca, on 6 June 2001, marked the start of this event. During her speech, Ms Tasca pointed out the challenges for her Ministry in encouraging circus arts: to reinforce and adapt the Ministry's action in favour of circus arts, to affirm the role and place of circus arts at the heart of cultural life and the policies linked to this and to support the diversity of aesthetics. The '*10 orientations pour l'Année des arts du cirque*' (10 guidelines for the Year of Circus Arts) are clear evidence of this political will. Catherine Tasca therefore decided to give the profession FRF 13.5 million in new measures in 2002 under Title IV (operation) which will bring the State's contribution to FRF 20 million in new measures under the 'Year of Circus Arts' operation over the three years of 2000, 2001 and 2002. In addition, this year will form an opportunity for performances and events bringing the circus world together with other artistic and cultural areas. As an example, the weekend of 1, 2 and 3 March 2002 was an important moment during this year which allowed an opportunity, in 70 French towns, for every type of performance relating directly or indirectly to the circus.

The final initiative to develop the circus is the establishment of regional centres (11) for circus arts. This will allow true local networking of the circus and the provision of permanent reference places in terms of production, information and cultural activities involving circus arts.



## ANNEXES

### ANNEX I: CHRONOLOGY

**1979:** Integration of circus activities within the Ministry of Culture.

**1985:** Creation of CNAC (national school).

**1988:** Transformation of ASPEC into ANDAC.

**1989:** Joint decree of the Ministries of Culture and National Education creating the '*diplôme des métiers des arts du cirque*', Official Gazette of 30 November 1989.

**1994:** Disappearance of ANDAC.

**1995:** Decree of 28 September 1995 establishing a national consultative committee for creation and theatrical innovation aid for circus arts.

**1996:** The 'Hors les Murs' association is entrusted, in addition to its activities involving street art professionals since 1993, with an information, promotion and resource centre brief for circus arts.

Decree of 2 April 1996 establishing a *Conseil national des arts de la piste* (National council for ring arts) which has not actually met since 1997.

**1998:** Opinion of the Economic and Social Council, report on circus arts (Report by Dominique Forette).

**1999:** Framework agreement on the teaching of circus arts. Ministry of Culture/Ministry of Youth and Sports.

Agreement of ONDA (National office for artistic diffusion), support for the diffusion of circus arts.

Introduction of the specifications for subsidised staged productions, applicable to the circus.

Dissolution of ANDAC.

## **ANNEX II: THE FRENCH CIRCUS IN FIGURES (2001)**

- Total budget: FRF 45 million in new measures:
  - Training: FRF 24.5 million
  - Creation, operation: FRF 20.5 million
  
- Subsidised circus companies and enterprises: 30 companies and enterprises receiving operation aid.
  
- Circus schools: 3 national schools, 6 schools with professional classes of which:
  - CNAC: FRF 16.35 million
  - Roisny-sous-Bois school: FRF 3.3 million
  - Ecole nationale du cirque Fratellini: FRF 1.6 million
  - Fédération française des écoles du cirque: FRF 0.75 million
  
- Creation aid funds from central administration (2000): FRF 4.05 million
  
- Investment aid (2000): FRF 2 million (excluding exceptional aid)
  
- Exceptional measures for circuses in difficulties:
  - Investment: FRF 11 million
  - Operation: FRF 7 million.

## Ireland<sup>100</sup>

There are four tent circuses in Ireland<sup>101</sup>: *Circus Vegas*, *Planet Circus*, *Tom Duffy's Circus* and *Fossett's Circus*, among which only the last two are indigenous. They are all members of the Showmen's Guild of Ireland.

### 1. Legislation on circuses

There is no statutory provision specifically for circuses.

In Ireland, circus animals are not regulated in any way. *The Society for the Prevention of Cruelty to Animals* (ISPCA) in Ireland proposes a series of licenses with adequate public safety measures for exotic and dangerous animals and a licensing authority to be set up to administer the law. The visit in 2000 of the *Circus II Florilegio* in Ireland provoked the controversy regarding the use of animals in circuses and "a debate on the ethics of this type of entertainment" (Dan Boyle, 2000)<sup>102</sup> and the *Limerick Animal Welfare* called on the Government "to speed up the introduction of proposed legislation dealing with circuses"<sup>103</sup>.

### 2. Public support and subsidies<sup>104</sup>

There is no Circus Officer in the Arts Council of the Republic of Ireland.

In general, circuses in the Republic of Ireland receive no governmental direct support. The Arts Council has provided funding to circuses on a very occasional basis (in the early 80s and more recently in 1999) but has no specific policy in relation to circuses, apart from regarding it as an art-form, as provided by an amendment to the Arts Bill 2002. The only exception to this is that Fossetts was given a capital grant for seating a few years ago with the aim of enabling them to have a higher earning capacity. In January 2003, the Arts Council rejected an application for a grant from Fossetts. The application aimed to meet Fossetts' high expenses of performing in small centres where returns are normally quite limited. According to Mr O'Brien, Fossetts' spokesperson, on that occasion the Council affirmed also that traditional circus is not the typical form of art the Council would subsidise, apart from when the circus can be regarded as a form of contemporary dance or contemporary theatre. Ms Reid-Whyte, the Arts Council's drama consultant, said she explored the possibility of alternative non-revenue grant aid for next year (2004)<sup>105</sup>.

<sup>100</sup> Written by Raquel Santos Pérez, trainee at the Directorate General for Research, European Parliament, May 2002.

<sup>101</sup> Circus Friends Association of Great Britain: *2002 Circus Directory of the British Isles*.

<sup>102</sup> Dan Boyle, Green Party Spokesperson: Reference in Pressrelease "Call to Licence Circuses", March 2000.

<sup>103</sup> Limerick Leader, Laura Ryan: *Public urged to 'think very seriously' about circus*, January 2000.

<sup>104</sup> Information received in May and June 2002 by: Arts Council, 70 Merrion Square, Dublin, Kira Ravinskaya ([kira@artscouncil.ie](mailto:kira@artscouncil.ie)), Nessa O'Mahony ([Nessa@artscouncil.ie](mailto:Nessa@artscouncil.ie)).

<sup>105</sup> Information taken from the article "Fresh hopes for the survival of 115-year-old Fossetts Circus", by Tim O'Brien, The Irish Times, 24.2.2003 ([www.ireland.com](http://www.ireland.com)).

### **3. Vocational training of circus arts**

In Ireland, there are neither circus schools nor professional training in circus skills facilities. Anyone who desires to study circus skills has to go to Great Britain or elsewhere in Europe<sup>106</sup>.

### **4. Health and safety<sup>107</sup>**

#### **1. What OSH regulatory framework is applicable?**

The principal legislation is the Safety, Health and Welfare at Work Act 1989 and the General Application Regulations of 1993 (SI 44). The regulatory framework is primarily focussed on the protection of workers and the major duties rest with the employer and to a lesser extent designers, suppliers, importers and employees (workers). The issues covered are all work related except a duty on the employers and the self-employed to carry on their undertaking in a such a way so as to ensure that persons **not** in his employment who may be affected thereby are not exposed to risks to their safety and health.

The Safety, Health and Welfare at Work (Construction) Regulations 2001 may apply to the erection of the 'Big Top' and ancillary equipment. The definitions of construction and a structure are wide, (structure includes a pylon, mast etc).

#### **2. Are there any specific OSH provisions for circuses? No.**

#### **3. Do the OSH provisions cover visitors as well?**

There are no specific OSH regulations covering visitors. Section 7 of the Safety, Health and Welfare at Work Act previously mentioned is attached. The Fire Protection Act may apply. This is enforced by local fire prevention officers and is not an OSH requirement.

The requirements of the Safety, Health and Welfare at Work Act specify hazard identification and risk assessment in writing and a written emergency plan.

#### **4. Are there any problems with OSH inspection?**

We have no record of any difficulties or problems.

#### **5. Are there any OSH provisions preventing non-national circuses performing in Ireland?**

Not directly. However, the construction regulations require construction workers to be in possession of a 'Safe Pass' card. This requires a one-day training course and those erecting the structure may require it. It is a knowledge-based course and is often referred to as Passport training in other countries. If the erection of the structure is a form of construction then a Safe Pass card is required.

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<sup>106</sup> Information provided in June 2002 by: The Arts Council of Ireland, International Arts Desk and European Cultural Contact Point, Kira Ravinskaya ([kira@artscouncil.ie](mailto:kira@artscouncil.ie)).

<sup>107</sup> Received in June 2002: *Replies to the information request on health and safety provisions concerning circus from the European Parliament*, Coordinated by: European Agency for Safety and Health at Work, Gran Via 33, Bilbao, E-48009 Spain, William Cockburn, Network Secretariat, ([cockburn@osha.eu.int](mailto:cockburn@osha.eu.int), <http://agency.osha.eu.int>).

All our legislation is available on our website at [www.hsa.ie](http://www.hsa.ie).

Section 7 of the SHWW Act is: *7. General duties of employers and those self-employed concerning persons other than their employees*

(1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their safety or health.

(2) It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their safety or health.

(3) In such cases as may be prescribed, it shall be the duty of every employer and self-employed person, in the prescribed circumstances, and in the prescribed manner, to give to persons (not being his employees), who may be affected by the way in which he conducts his undertaking, the prescribed information about such aspects of the way he conducts his undertaking as might affect their safety or health.

## **5. Pre-school, primary and secondary education of children from circus families**

Following the 1989 EU *Council Resolution on school provisions for the children of occupational travellers*, a survey was undertaken by EFECOT in association with the Irish Showmen's Guild and the Department of Education and Science to establish the actual number of school-age children from circus and fairground families in Ireland. The survey indicated there were 173 children from circus and fairground families and it recommended a system of monitoring and support for these children to be put in place in Ireland.

In 1996, *The Gold Card Project*<sup>108</sup> was established with the support of the Socrates-Comenius programme and EFECOT. During the first year of this education programme for circus and fairground children 8 education centres were involved and families were given four hours a week for four months of the touring season. In addition, 16 support teachers were nominated to work with families and their children. In 1997 the Department of Education and Science gave permission and support for 2 more education centres, 4 extra teachers and added an extra month to the programme. In 1999, a further education centre was added to the list giving the support service a further 22 teachers. The Gold Card Project has now evolved into the Circus and Fairground Support Service (CFSS). The CFSS provides a network of Education Centres throughout the Republic of Ireland. There are 2/3 serving teachers available through the Centres who are on call to travel out on site to the Circus on contact from the parents. Thus, when a C&F family move to a particular area, the parent contacts the nearest Education Centre and requests that a teacher be sent out to the site. The pupils receive 3 x 2hr. sessions with a teacher, per week. (*This provision will be extended to 5 x 2 hr. soon.*). Though initially the service was available only from Nov. to Feb., when the vast majority of circus and fairground pupils in Ireland attend their Base school, presently it is guaranteed all year round<sup>109</sup>. This service is funded entirely by the Dept. of Education & Science. Small grants

<sup>108</sup> Information from David O'Grady – Limerick Education Centre in EFECOT: *Travelling on together. 10 years EFECOT – Ireland*, 1998.

<sup>109</sup> Received in June 2002, written by: Circus and Fairground Support Service (CFSS), Mary O'Connor, National Co-ordinator ([circus@eircom.net](mailto:circus@eircom.net)).

are paid annually to the C&F teachers for materials. Necessary expenses of the Education Centres are recoupable from the Dept. of Education & Science.

Part of the CFSS is the Blue Record Folder and Distance Learning Pack, available for circus and fairground children from the age of four to twelve. The Blue Folder contains a programme of work from the Base school and a record of work undertaken while the pupil is mobile. This pack is issued to parents by the Principal of the base school which the children attend during the non-touring season. Parents must ensure that all work is completed and the pack is returned to the base school at the end of the touring season. Support teachers are available from the Education Centre throughout the country after normal school hours during the months of April, May, June and September<sup>110</sup>. The Showmen's Guild also has an Education Committee to which all circuses are members.

The scheme is currently only provided for Primary School pupils i.e. up to 12/13 years. There is no service for Secondary pupils, while mobile, to date. This service is extraordinarily effective because:

The parents are committed to providing an education for their children.

The pupils are very co-operative and interested. Due to the nature of the family business they possess an inherent work ethic.

The teachers are dedicated. The country is small enough that families, pupils, teachers and the national co-ordinator can get to know each other, keep in contact and meet if/when necessary.

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<sup>110</sup> EFECOT: Survey Travelling Communities and schooling provisions in Europe. Updating the information, 2001.

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## Italy<sup>111</sup>

### 1. Introduction

#### A. World of the circus - past and present

Italy is a country with a strong circus tradition which has produced some top-class performers, famous throughout the world. The Chiarini family (who took the circus to Africa, India and China), the Cinisellis (who were also instrumental in founding the Russian circus), and more recently the Fratellini clowns, the juggler Enrico Rastelli, the Caroli horseback riders and the human missile Ugo Zacchini have all taken up their places in circus mythology. Theirs is a tradition that has been handed down to the present day: the high standard of Italian artistes is still admired the world over, ranging from the trainer Flavio Togni and the clown David Larible (gold prize-winners at Monte Carlo) to several young female graduates of the Circus Academy, the Italian school which has trained a new generation of performers.

The origins of the circus tradition in Italy can be traced back to between 1840 and 1850, with the Franconi and Zavatta families. It was Italy's Franconi troupe which established the first fixed-site circuses in Paris and invented the modern artistic form of circus. Franconi took over the business of Astley, an artiste from London who is said to have founded the very first circus: it lasted for 120 years, i.e. until the dynasty consisting of his children and then other descendants died out. It was the Franconis, whose shows contained all the artistic disciplines, who revived the term 'circus', used for the first time in 1807 (*Circo Olimpico*), adapting the word used by the Ancient Romans to denote an arena. The great Travelling Pantomimes, created to glorify the achievements of Napoleon, were Franconi's work. The renowned school of horseback riding was represented in 1830, by Carolina Loyo; wild animals entered the ring in 1831 with the trainer Henry Martin; the flying trapeze first appeared in 1859, with Leotard, and unicycling acts in 1882, with the Ancillotti troupe.

The heyday of circus companies was the 1970s, when the entire continent viewed Italian troupes with admiration: the *Circo Americano*, the *Circo sul Ghiaccio*, the *Circo delle Mille e Una Notte*, the *Jumbo*. The formula was the best one possible at that time: a large number of the very best attractions was signed up and combined into one colossal spectacle. Then, in the 1980s, an increase in State subsidies - and consequently in the number of troupes - paradoxically led to a general decline. In the early 1990s, Italy once again became a point of reference thanks to the holding of some major festivals (such as *Stelle del Circo*, in Verona). But, once this brief period was over, the situation never returned to its former glory.

Nowadays, the circus in Italy faces many problems. The lack of professionalism of certain companies, whose numbers grew disproportionately owing to the **liberalisation of licences**, is creating not a few difficulties for the entire sector both from both a practical point of view and in terms of artistic quality. There are in fact three top-flight circuses which, broadly speaking, are the aesthetic trend-setters: Enis Togni's *Americano*, on a colossal scale; the *Medrano*, run by the Casartelli - De Rocchi families, with its old-fashioned charm (already tried and tested by the Togni brothers' *Florilegio*); and Walter Nones' *Moirà Orfei* with its elegant 'revue' style. But, apart from these three cases, most other circuses trade on their distant kinship with famous names or display 'foreign' banners even though all that is foreign about them is the name. What is more, these small outfits possess captivating circus tents thanks to an unfortunate regulatory system whereby the State finances the acquisition of new equipment, without taking the slightest account of a troupe's quality or background. Almost all of these

<sup>111</sup> Written in Italian by Cristina Dorati, trainee at the Directorate General for Research, European Parliament, May 2002, External Translation (DV\470430EN.doc).

circuses not only attract their audiences by deceitful means but, having captured them, put on a disappointing second-rate show. All of this turns the public away from circuses in general, thus leading to low attendance which dampen the enthusiasm of even the most proactive entrepreneurs<sup>112</sup>. Consequently the trade-name of a circus has no legal protection, which is moreover a widespread phenomenon throughout Europe (a fairly common practice among circus folk in recent years has been to give their sons as a second name the surname of one of the most famous Italian dynasties).

The **difficulty of finding suitable sites**, and above all the obligation to contend almost weekly with local safety committees in every different city, is causing the largest circuses to cut down on their appearances at home and to tour abroad by preference (making the most of State subsidies for touring abroad). They are therefore deciding to cease operations in Italy in March with a view to reopening in about November. Indeed, despite a law passed in 1968 compelling municipalities to provide suitable locations, it still remains extremely hard to find sites even in the biggest cities. Furthermore, applications must be submitted a long time in advance and in compliance with complicated rules and regulations which vary from area to area - as do safety measures and the rules on erecting the equipment. In recent years the major circuses - that is, the wealthiest and most powerful - have been tending to buy into amusement parks abroad within which to put on their shows, thereby finding a permanent solution for the problem of finding appropriate sites in Italy. Togni, for example, has recently bought space in amusement parks in France; other circuses have done likewise in the Netherlands and Belgium.

Tours of Italy take place throughout the year, and troupes are most likely to be successful in the following major cities: Rome, Milan, Florence, Naples, Palermo and Bari.

Considerable damage has been done to the sector's economy by the recent disinformation campaign conducted by certain animal rights groups which are trying to put an end to **circuses with animals**. Many of the best circuses, those that are among the most famous and renowned in the world, but boast acts with animals are deciding to perform exclusively abroad (e.g. Moira Orfei), or even to terminate their operations.

Circus proprietors assert that their troubles are due solely to institutional neglect. Many critics, however, are convinced that public disaffection is caused above all by a lack of care on the part of entrepreneurs. It is fair to say that on the whole the internal organisation and management of Italian circuses is pretty much improvised. The circus master represents the only figure of authority, occasionally flanked by a so-called 'circus secretary', who deals specifically with bureaucratic matters such as applying for municipal permits and drawing up rudimentary plans for the itinerary. Otherwise there is no proper task-sharing; there are no professional staff such as impresarios or accountants.

## **B. Fields of competence**

### *The State and the entertainment industry (including circus companies)*

The Italian Government handles the financing and promotion of circuses through its Ministry of Cultural Heritage and Affairs, which has a directorate-general for live entertainment. Department VI of this directorate-general - entitled Circuses and Travelling Shows - is responsible for awarding grants to circuses (operations, purchase of stock-in-trade, unforeseen events and management difficulties) and to travelling shows (purchase of stock-in-trade, unforeseen events and management difficulties); subsidies for both editorial and educational

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<sup>112</sup> Alessandro Serena, *Italia, fine novecento* (Italy - the late 20<sup>th</sup> century), an article published in various national and international specialist magazines and kindly supplied by the author himself.

promotion activities (festivals and fairs); for equipping sites for circuses and travelling shows; as well as for adding new attractions to the list of travelling shows, pursuant to Art. 4 of Law 337/68.

Department VI also has within it various committees and commissions, including one advisory committee on circuses and travelling shows and another on problems in the entertainment industry<sup>113</sup>. This committee, appointed by decree of the Ministry of Culture and established by Law 337 of 1968, Art. 3, comprises three representatives of proprietors of circuses and travelling shows plus three representatives of workers in circuses and travelling shows. Committee members remain in office for two years and may be reappointed. The role of the advisory committee is to assess the quality of cultural projects and initiatives involving circuses and travelling shows, with a view to accessing public finance (FUS - Single Entertainment Industry Fund).

### *ENC- National Circus Union*

This is the sectoral trade union body for Italian circuses, affiliated to the AGIS (General Association of Italian Performers). The union was founded on 15 April 1973, and its president is Egidio Palmiri. It is the only existing sectoral union in Italy to have played an active role in achieving institutional recognition for circus work, even obtaining legislation to govern the sector: **Law 337 of 1968**, which is still in force.

The ENC groups together almost all the circus companies existing in Italy, from the largest (Americano, Medrano, Moira Orfei, Florilegio, Embell Riva) to the smallest family-run troupes. The union's goals are laid down in its statutes. Among other duties, the ENC - which is a non-party, non-profit body - is responsible for representing affiliated companies, affording them protection and fostering their technical and economic development, as well as gathering, collating and disseminating news and statistics of interest to companies. The ENC is maintained by the membership fees paid and consists of the owners of companies running travelling circuses and gymnastic displays, amphitheatres and stadiums for car or motorbike racing and acrobatic displays.

## **C. Data and statistics**

*The circus world in numbers: ENPALS (National Social Insurance and Welfare Authority for Performing Artists)*

Italy currently has some 5,000 circus workers, to whom we should add firms supplying equipment. There are approximately 150 circuses<sup>114</sup>. They are divided into five categories based on the number of employees and performances and the size of tent. There are 6 circuses in category one (80 artistes), 4 in category two (60 artistes), 30 in category three (40 artistes), 50 in category four (20 artistes) and 50 in category five (2 artistes)<sup>115</sup>.

It should be pointed out that statistics on the circus world are often approximate and difficult to compile. Indeed, only 47 circus undertakings were properly registered with ENPALS, the National Social Insurance and Welfare Authority for Performing Artists, in 2001.

<sup>113</sup> Legislative references: Law 650 of 23 December 1996; Prime Ministerial Decree 273 of 10 June 1998.

<sup>114</sup> Data supplied by the ENC (National Circus Union).

<sup>115</sup> Statistical information on circus and fairground workers in Italy, Minutes of the Fourth International Ecumenical Congress of pastoral care providers to circuses and funfairs, Padua, 20-23 March 1999.

Region	Companies
Piedmont	4
Lombardy	3
Veneto	19
Emilia Romagna	2
Tuscany	1
Lazio	4
Campania	7
Puglia	7
<b>ITALY</b>	<b>47</b>

All the workers registered with ENPALS during 1998 and 1999 belonged to the acrobat, clown, animal tamer and variety artist categories, thus excluding technical staff. The table below shows the number of workers and the sums earned according to ENPALS.

Year 1998		Year 1999	
Workers	Earnings	Workers	Earnings
843	€1 736 121.51	922	€ 1 432 651.43

Relations with the public: the SIAE (Italian Society of Authors and Editors)

The SIAE (Italian Society of Authors and Editors) is responsible for gathering data about audiences attending circus performances. Its statistics cover attendance at shows, sporting events and various forms of entertainment in Italy, including expenditure by the public and - for the cinema, theatre and musical events - the number of performances, tickets sold and variations in average ticket prices. These statistics had previously been drawn up based on the proceeds of the entertainment tax, which was abolished in January 2000<sup>116</sup>. Thus the basis for data collection has changed, with a move from the entertainment tax to ordinary VAT; consequently, it is not possible to compare 2000 with previous years. According to the statistical office of the SIAE, the revenue deriving from attendance at circus performances in 2000 amounted to EUR 8 696 946 844<sup>117</sup>.

The main task of the SIAE is to handle copyright. As already mentioned, there is no legislation governing the use of company names, nor is there any registration of performing rights. On the other hand, artistes are obliged to pay royalties if they use any copyright musical recordings to accompany their performances. The table below shows the royalties paid between 1996 and 2001.

<sup>116</sup> This measure has simplified taxation by abolishing the entertainment tax and subjecting the most popular activities in the sector solely to the ordinary VAT system, thereby eliminating the former double taxation, while at the same time altering and harmonising rates in particular segments by introducing a tax on amusements. The main beneficiaries of this substantial easing of the tax burden have been theatrical events, public celebrations and also circus performances (Legislative Decree 60 of 26 February 1999).

<sup>117</sup> Data on miscellaneous entertainments and amusements, Year 2000, SIAE statistical office.

Year	Royalties	Variatn. %
1996	€ 293 857.84	
1997	€ 300 329.70	2.2
1998	€ 286 888.15	-4.48
1999	€ 311 509.34	8.58
2000	€ 301 985.58	-3.06
2001	€ 321 503.82	6.46

### Opinion polls

In 2000, the market research institute CIRM carried out, on behalf of the ENC, the first nationwide research (entitled 'The circus in Italy') recording the Italian population's expectations and views concerning the circus.

Some 6,000 consumers were contacted by telephone, which resulted in 544 valid interviews being obtained with circus-goers, based on a questionnaire geared to four issues: attendance, the shows themselves, animals and the ideal circus. What were the findings? The circus is considered a form of 'recreation' which unites the whole family, where people go primarily to accompany their children and grandchildren.

80% of those who have been to the circus declare themselves satisfied with the last performance attended. Of the various components of the show, acrobats are the most popular, followed by acts with animals and clowns.

Billboards are by far the most crucial form of publicity to announce that a circus is coming to town, followed by leaflets and word of mouth, while items in magazines, on TV and local radio come bottom of the list.

Positive attributes of the circus include the fact that it is regarded as an enjoyable form of entertainment, out of the ordinary and pleasing to both children and adults. Its negative attributes are the presence of animals and high ticket prices.

On the subject of circus animals, it emerges that 64.7% of those interviewed find the presence of elephants, lions, tigers, etc. acceptable ('fairly' or 'barely'); to 14.6% it is 'perfectly' acceptable: the majority of these respondents are men aged between 55 and 74 who live in the north-east. By contrast, 18% are resolutely opposed: they live mainly in the south and the islands, are aged between 18 and 34, university educated and mostly women.

Finally, the ideal circus should create more audience participation, be more affordably priced, have fewer animals and more décor, and be more akin to the world of street performance and theatre.

## 2. Legislation covering circus companies and artistes

### A. Laws in force

#### Law 337 of 18 March 1968

##### *Provisions on circuses and travelling shows*

Italy was the first European country to have a law relating specifically to circuses. Through this law, dated 18 March 1968 and still in force, the government recognised the social

function of circuses and travelling shows, providing support for the consolidation and operation of this sector.

As well as regulating circus activity in general, for every year from 1968 onwards the law has earmarked a proportion of the Single Entertainment Industry Fund for the award of special grants.

By virtue of **Art. 4** the ministry keeps a list of shows, entertainments and attractions, with an indication of their technical and building specifications, key features and trade-name. This list is updated periodically by the ministry itself; all automatic and semi-automatic forms of entertainment are excluded from it.

Law 337 instructs municipal councils to compile a list of municipal sites available for the installation of circuses, travelling shows and amusement parks. Permission must be granted straight away to proprietors in possession of ministerial authorisation, so that contact with the municipal authorities can be described as one-off and direct. Besides, the manner of granting permits depends on, and is determined by, the municipal authorities, once the sectoral trade union organisations have been consulted. The charges laid down for occupation of public, State-owned land apply to the erection of installations.

There is a municipal regulation on the allocation of public areas and sites for entertainment purposes (Art. 4 of Law 337), but it makes no specific reference to circuses. This regulation establishes criteria for drawing up age classifications for amusement parks.

### **Law 163 of 30 April 1985**

#### *New rules on State aid for the entertainment industry*

This law instituted the Single Entertainment Industry Fund (FUS). The criteria governing the Fund's distribution were made contingent on laws to reform the various sectors of the entertainment industry, including the circus. To date only one such law has been passed, relating to the cinema, whereas nothing has been done in respect of circuses.

Art. 3 instituted the National Entertainment Industry Council, presided over by the minister and consisting of 57 members, while Art. 5 instituted an Observatory on the entertainment industry within the ministry's research and planning department. This new body is responsible for gathering, processing and analysing data and information about trends in the various entertainment sectors in Italy and abroad, paying particular attention to financial details.

### **Presidential Decree 394(1) of 21 April 1994**

A regulation designed to simplify the procedures for awarding subsidies to theatre, cinema, music and dance, circuses and travelling shows, as well as the procedures whereby circuses and amusement parks apply for operating licences.

Applications for the award of subsidies must be submitted direct to the Administration in accordance with Law 337 of 18 March 1968, Art. 19. The Administration must give its verdict on the application within the general deadline set; the deadline must be no later than 150 days after submission of the application.

*Foreign circus companies:* Art. 7 of the decree stipulates furthermore that circus companies from countries not belonging to the European Union must apply to the Administration for an operating licence. This application must indicate the nature of the troupe, the number and skills of its members, and the places and dates of performances. No residence permit will be

granted without authorisation from the Administration, which must process the application within 120 days.

### **Legislative Decree 112 of 31 March 1998**

*Devolution of administrative functions and tasks from the State to the regions and local authorities in accordance with Law 59 of 15 March 1997, section I.*

Prior to this Legislative Decree (DL), the only circuses allowed to perform were ones whose operations had received a 'green light' from the Prime Minister's office. This took the form of a permit which circuses were obliged to display and produce whenever checks were carried out.

DL 112 of 31 March 1998 abolished this procedure by repealing Art. 6 of Presidential Decree (DPR) 394 of 21 April 1994<sup>118</sup>. At present performances by circuses and travelling shows are subject only to the issuing of a licence by the competent local authorities (Art. 19(6) of DPR 616/1977) and to verification of technical, safety and hygiene aspects by the local Provincial Committee for the inspection of public entertainment establishments (DL 3 of 8 January 1998, Art. 4).

DL 112 of 31 March 1998 also abolished the former subdivision of circuses into five categories; they are now classified according to number of employees, size of tent and number of seats.

### **B. Current draft legislation**

Two bills of direct relevance to circuses have been put forward during this current legislature: one, no. 2109, by Gabriella Carlucci MP (Forza Italia) and the other, no. 1026, by Senator Livio Togni. The former bill is a framework law on the entertainment industry which would be followed up by regulations for the various disciplines (including the circus), whereas the latter (which Committee 7 of the Senate has already begun to discuss) is dedicated entirely to the circus. It proposes to introduce measures better suited to the present-day needs of circuses, which are still governed by a law dating back to 1968.

More specifically, Senator Togni's bill is aimed at solving the problems that arise because of the culture in the circus sector, in that it is not integrated into society and not always in a position to comply with the rules. The bill stresses the need to distinguish between circuses and travelling shows, and consequently to lay down criteria subdividing circuses into categories. Hitherto, they had in fact been subdivided according to the number of workers and size of tent, whereas Sen. Togni believes that in order to maximise and protect the artistic quality of the best circus performances the following classification is required:

- 1) circuses of historical and national interest;
- 2) traditional circuses;
- 3) regional and family circuses;
- 4) circuses engaging in research and experimentation.

<sup>118</sup> Art. 6 of Presidential Decree 394: *Applications for operating licences by the circuses and individual travelling shows included under Art. 4 of Law 337(6) of 18 March 1968 shall be submitted to the Administration, in the case of European Union companies. The licence shall be issued subject to an assessment of the applicant's technical and professional characteristics. Within 120 days of the date of submission of the application, the Administration shall give its verdict on the application [...]. For every successful application, the Administration shall issue the proprietor with an appropriate certificate which must be permanently and visibly displayed within the premises.*

The following broad criteria would apply, with specific distinctions for each category:

- 1) a well-established company with a good track-record;
- 2) quality and productivity of operations;
- 3) scale of financial investment and organisational structure;
- 4) artistic creativity;
- 5) quality of tours abroad;
- 6) training and membership of organisations representing specific artistic and technical staff;
- 7) research work and revival of circus traditions.

A further proposal is for the Ministry of Cultural Heritage and Affairs to compile a list of circuses, to be issued by joint decree of the said Ministry and the Ministry of the Interior, subject to opinions from the competent section of the committee for problems in the entertainment industry and from the Joint Conference. The prerequisites for what are dubbed 'circus trade-names' would be created in this way, helping to combat the fraudulent use of surnames of famous dynasties. Not only that, but thanks to the establishment of the list of circuses and the technical records, checking and monitoring would be facilitated and better relations with municipalities ensured.

Research and experimentation are absolutely vital to the circus, but appear to be the only aspect not to receive support under the bill. Attention is devoted instead to training - and diversity of training - and to exchanges with other art forms. Finally, issues linked to the presence of animals in circuses are addressed. According to Sen. Togni it is necessary to introduce a suitability certificate, along the lines of the French one, which the Ministry of the Environment and Land Conservation would issue for each individual species of animal; besides that, all persons working with circus animals would be monitored by the aforementioned ministry.

### **3. Funding at state, regional and local level through tax relief or other measures**

As far as State subsidies are concerned, Italian circuses benefit from a proportion of the Single Entertainment Industry Fund (FUS)<sup>119</sup>. This Fund is shared out among the various sectors once a year, with a 1% share earmarked for circuses and travelling shows. The amount for 2002 comes to EUR 3,928,121<sup>120</sup>. Circus companies may obtain contributions from the Fund for the following reasons:

- renewal of equipment;
- unforeseen events;
- number of shows put on in the year;
- proven management difficulties (limited to particular reasons: bankruptcy, inactivity due to *force majeure*, etc.);
- touring abroad.

Some important innovations in the criteria for allocation of funds were introduced in 1999 as a result of Legislative Decree 112 of March 1998, which also abolished the requirement for the Administration to issue an operating licence for circuses and travelling shows.

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<sup>119</sup> Law 163 of 30 April 1985 (New rules on State aid for the entertainment industry) created the Single Entertainment Industry Fund - FUS.

<sup>120</sup> Data provided by the ENC, National Circus Union.



Briefly, these criteria are:

- quantity, calculated according to the history of contributions previously obtained by a proprietor for his operations;
- quality, i.e. the artistic and organisational assessment carried out by the Advisory Committee on circuses and travelling shows, based on the factors set out in Circular 4804/TB30 (which is still in force) and in Law 37/1982. The Committee is entitled to increase or reduce the amount by up to 20%.

In 2001 circuses together with fairground enterprises obtained funding of EUR 7,832,585.331 or 1.6208% of the sum total of the FUS<sup>121</sup>. Moreover, an Inspectorate<sup>122</sup> carries out a series of checks on the correct use of FUS resources. The only activities of the Inspectorate to concern the circus sector in 1999 related to its scrutiny of the National Circus Association in Cesenatico<sup>123</sup>.

In general it can be said that circus companies obtain finance exclusively from the State; there are no forms of funding by either the regions or provinces.

In addition, the circus sector benefits from tax relief on sums reinvested in the sector, as stipulated in Law 163 of 30 April 1985 (New rules on State aid for the entertainment industry). Pursuant to Art. 8, the first 70% of the profits declared by a circus company will not be counted as taxable income for the purposes of personal, business or local taxation as long as they are reinvested in the production of shows, in restructuring work, technological improvements or renewal of equipment. This tax relief must be explicitly requested via the annual income tax return, indicating what proportion of profits are to be invested.

#### **4. Vocational training of performers: schools, study grants, state and other initiatives**

The only recognised school in Italy is the Circus Academy. Young circus artistes who do not attend its courses receive their training within circus families where they prepare the ‘numbers’ they wish to perform. Some pupils attend the Academy for shorter or longer periods (generally from a minimum of a few months to a maximum of one year) in order to perfect their act and update their skills: so far this has only been done by young people who have studied at the Academy and been awarded a diploma. Furthermore, there are other initiatives such as courses and placements, some of them pilot projects lasting two or three years which enable circus artistes or enthusiasts to follow specialist courses at art colleges.

##### **A. The Circus Academy**

Since 1988 the ENC (National Circus Union) has been running a national training school in circus skills, the Circus Academy. It is partly maintained by a board and lodging fee paid by pupils (approximately EUR 206 per month), but above all by a (costed) subsidy of some EUR 387,343 per year from the Ministry for Cultural Heritage and Affairs.

The school was founded in 1988, modelled on State Circus Schools such as the one in Moscow and those in France. The first courses took place in the winter premises of the Circo

<sup>121</sup> Single Entertainment Industry Fund - Year 2001, Ministry for Cultural Heritage and Affairs, Entertainment Industry Department.

<sup>122</sup> Created by the Prime Ministerial Decree of 2 August 1995.

<sup>123</sup> Report on utilisation of the Single Entertainment Industry Fund, 1999, Ministry for Cultural Heritage and Affairs, Entertainment Industry Department, Observatory on the Entertainment Industry. The 2000 and 2001 editions are not yet available.

Americano in Verona, and in 1990 its headquarters moved into the buildings of a former holiday home in Cesenatico.

The Academy – a Foundation sponsored by the Ministry for Cultural Heritage and Affairs - is the only vocational training institution for circus folk in Italy, and the only one in the entire western world to be residential. Tuition focuses on building up physical strength, motor skills, intellectual and mental capabilities. The aim is to build, achieve, improve and maintain the best act in each discipline mastered. The courses, which take in pupils aged between 7 and 16, are spread over four years and teach them elements of the various circus disciplines. The basis of almost all disciplines is taught during the first two years. Thereafter, each pupil is guided towards the most suitable subjects, specialising during the final two-year period and developing a number of his/her own. Once the four years are complete, the Academy delivers the ‘circus artiste’ diploma.

All the instructors are genuine former artistes with Italian, Portuguese, Bulgarian, Russian and Moroccan nationality.

The Academy has delivered diplomas to over 60 students since its inception. Its young residents have the opportunity of attending lessons at State schools in Cesenatico (primary, secondary and high schools) during the morning, and their homework is supervised in the afternoon by two teachers.

## **B. Other initiatives**

**Centro Studi per lo Sviluppo Armonico dell'Uomo**, via S. Maria di Lignano 42, Assisi

*Juggling and circus skills, working with children and young people - ideas and practical elements for circus projects.*

**FNAS**<sup>124</sup> 2002 Training Programme - via della Guardia 33 - 34137 Trieste, tel: 0438 581787 / fax: 0438 916210

*Traineeships in individual disciplines such as clown, stilts, street performing, voice, acrobatics, mime and direction. Mainly geared to street artists.*

**Piccola scuola di circo** Via Solari, 40 – Milan, Info: 02 42290574

**Circo maximo** Via dei Sabelli 119 - Rome

Multidisciplinary circus school for children and adults.

**Scuola di Teatro di Bologna** –

*Advanced course in Nouveau Cirque*

*Course in Acrobatics and Circus Techniques*

## **5. Employment regulations, working conditions, health and safety at work**

A dominant feature of Italian circuses is their unlawful recruitment practices, despite the fact that during the past decade the sector has paid more attention to this problem. Not only is the unlawful hiring of non-EU citizens widespread, but the artists are sometimes employed for very brief periods of time, depending on the success of individual shows. Offering a new recruit a guaranteed income for a fixed period is undoubtedly onerous if the tour is

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<sup>124</sup> A national association belonging to the AGIS (General Association of Italian Performers), aimed at bringing together all types of street performers in Italy, from individual artists to fully formed companies, in order to press for greater recognition of their cultural value from State institutions.

unsuccessful. Another common practice is the ‘recycling’ of performers for purely technical jobs, such as erecting the tent, rather than for tending animals. (Drivers are a typical example here: non-EU citizens frequently drive all kinds of vehicles without even possessing a driving licence.) This is mainly due to the particular circus lifestyle, which has no conception of professional employment relationships and does not follow normal work patterns. One need only think of the requisite working hours, which change drastically from when the show is being prepared to when it goes on tour.

#### **A. Regulations governing circus performers**

Circus workers with proper contracts of employment benefit from healthcare under ENPALS (National Social Insurance Authority for Performing Artists); they pay the relevant contributions by payroll deduction.

As far as safety at work is concerned, circus proprietors are included among the persons referred to in Art. 1, penultimate paragraph, of Law 1397 of 27 November 1960: ‘mandatory sickness insurance for proprietors of commercial undertakings’. With respect to invalidity, old age and survivors’ insurance, the provisions of Law 613 of 22 July 1966 encompass circus proprietors: ‘extension of mandatory invalidity, old age and survivors’ insurance to proprietors of commercial undertakings and their fellow workers who are family members, and coordination of pension arrangements for self-employed workers’.

There are no specific rules governing the health and safety of individuals employed in the circus sector, unless due to individual initiative.

#### **6. Pre-school, primary and secondary education for the children of circus folk**

No arrangements have been made for compulsory school attendance by the children of circus folk. Moving around with the circus, youngsters are obliged to change school and teacher frequently: for example, if the circus spends 4 days in Milan, 5 in Brescia and 3 in Mantova, the circus children will attend school in Milan for 4 days, Brescia for 5 and Mantova for 3. The quality of their learning and integration will obviously be affected by this ‘itinerant’ lifestyle; indeed, the Academy was founded partly in order to compensate for this problem.

There are no plans to introduce mobile schools or tutoring, and only in a few cases do State schools offer special curricula. These are experiments run by individual (primary and middle) schools that, when confronted by a certain number of circus children with sizeable gaps in their knowledge (accumulated because of the above-mentioned itinerant lifestyle), have devised remedial schemes for which the ministry has provided teachers on an *ad hoc* basis. This happened - in the past - in Cesenatico, where the Academy is located and where it was possible to implement this remedial scheme because of the large number of circus pupils registered in local State schools. But the experiment ended three years ago because it was discontinued by the provincial education office.

No statistics exist concerning the children of performers who make their career in the circus, but it can be said that almost all of them do so.

Overall, it is fair to say that school attendance by the children of circus folk is very irregular and often does not enable them to attain acceptable levels of education: for this reason illiteracy is a fairly widespread phenomenon.

**A. National Office for Pastoral Care of Fairground and Circus Workers:** an offshoot of the 'Migrantes' Foundation set up by the Italian Episcopal Conference.

The National Office for Pastoral Care of Fairground and Circus Workers aims to promote and coordinate evangelisation and personal development work among performers in Italian circuses and funfairs, in support of the pastoral ministry of local churches. According to the Migrantes Foundation there are 250 000 street artists in Italy, a considerable number of whom – 76,000 – are circus and funfair workers. The main intermediaries are ministers of religion.

In addition to the diocesan officials in every Italian diocese, the intention and hope is that other individuals or members of religious or lay communities will permanently accompany a circus or group of fairground workers on their journey: these are **itinerant missionaries**. The number of pastoral care providers in Italy is<sup>125</sup>:

Priests and religious:	90
Deacons:	7
Nuns:	12
Lay persons:	55

## **7. Current debates and future proposals**

### **A. Animals in circuses**

The principal topic of debate is the increasingly pressing and widespread opposition to the presence of animals in circuses, on the part of animal rights and environmental campaigners. It ranges from accusations of ill-treatment against certain circuses (levelled by the WWF and LAV, although they have never resulted in the conviction of circus proprietors) to the discussion and adoption by municipal authorities of municipal regulations aimed at prohibiting performances by circuses with animals: up till now, regional administrative tribunals have always found in favour of circuses, annulling the measures adopted by these municipalities. The LAV in particular also wages 'awareness-raising' campaigns in schools and among the public, denigrating circuses with animals. It should be borne in mind that the training and exercises are such as to rule out excessive exertion and stress. Acts with species such as primates, bears and crocodiles, for which it would be difficult to guarantee satisfactory housing conditions, have long since disappeared from performances. It is worth noting that the few attempts to put on circuses without animals - carried out in Italy a few years ago, including by one well-established family name - failed miserably because the public disapproved of the absence of exotic numbers, which still remain the principal attraction especially for children.

During the last legislative period, the LAV, WWF and a cross-party group of parliamentarians put forward a bill opposing animals in circuses; however, it was discussed only within Committee 7 of the Senate and not forwarded for debate in the House.

### **B. The New Circus**

This 'genre' of entertainment is new to Italy. It provides excellent scope for training because it combines experimentation and research with methodical daily study of technique, bringing together performers from straight theatre, street theatre, dancers, acrobats, jugglers, musicians and circus artistes. But such initiatives are few and far between, and cooperation between

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<sup>125</sup> Statistical information on circus and fairground workers in Italy, Minutes of the Fourth International Ecumenical Congress of pastoral care providers to circuses and funfairs, Padua, 20-23 March 1999.

performers coming from the traditional circus environment and promoters of the New Circus is especially rare. Differences in mentality and lifestyle do not make for easy integration.

It is worth mentioning the initiative of Giorgio Barberio Corsetti, artistic director of the theatre section of the ***Biennale di Venezia***, who included some 'nouveau cirque' performances on his programme between 1999 and 2001.

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## Luxembourg<sup>126</sup>

### 1. Introduction

Unlike its neighbours such as France or Belgium, the Grand Duchy of Luxembourg does not have a very strong circus tradition or culture. There has never been a national circus in Luxembourg. Similarly, it would seem that circus shows are not immensely popular among the people of Luxembourg.

The Grand Duchy of Luxembourg therefore benefits from the influence of circuses from these neighbouring countries. For example, it is fairly common for circuses from neighbouring countries or circuses from the rest of Europe or the rest of the world, when they tour France, Belgium or Germany, to include the Grand Duchy in their programme of shows.

Thus, as Mr M. Weydert (the Luxembourg official with responsibility for fairs and circuses) states, the authorities in the Grand Duchy plan each year for two foreign circuses to come to Luxembourg (Krone, Bouglione, Gruss, Pagliacci etc.). It should also be pointed out that traditional (animal) circuses seem to continue to a large extent in Luxembourg. The new circus is gradually becoming more established, but not yet through performances, rather through the circus training available in Luxembourg.

### 2. Legislation and the status of circuses in Luxembourg

The Grand Duchy of Luxembourg has not introduced any comprehensive legislation governing the status and activities of circuses, which do not really form part of Luxembourg's tradition or the Duchy's cultural priorities, and it is not proposed to lay down detailed and specific legal regulations for circuses.

Circus activities are therefore covered by the general legislation governing employment, artistic activities, itinerant structures and the status of self-employed professional artists (e.g. Law of 3 July 1999) and also the laws and regulations governing the employment of foreign workers in Luxembourg, such as the Grand Ducal Regulation of 1972, Article 7 of which states that 'the staff of fairground attractions, circuses, theatres, revues and other travelling establishments, provided occupancy of Luxembourg territory is for less than 1 month' are not required to hold a work permit.

Nevertheless, the authorities have acted as the need has arisen on points for which there was no provision in the more general legislation, such as the Law of 1956 prohibiting dangerous aerial exercises in the open air, in circuses and music halls and other public places without a safety net.

Similarly, since rules introduced in 1988, circuses with animals have been prohibited in the Grand Duchy of Luxembourg during winter.

### 3. Financial assistance (State, regional and local assistance, tax allowances and other measures)

Mr Weydert points out that no regular grant is awarded to circus activities. First, there is no national circus and, secondly, the development and promotion of circus activities is not one of the major concerns of the Grand Duchy.

<sup>126</sup> Written in French by Mayia Le Texier, trainee at the Directorate General for Research, European Parliament, May 2002, External Translation (DV\470958en.doc).

Under the rules governing self-employed professional artists (Law of 30 July 1999), however, provision is made (in Chapter IV of that Law) for ‘fiscal measures for artists, whether professional or not’, although such tax exemption measures are only minimal and do not appear to be applicable to a circus organisation as a whole.

Lastly, with regard to State assistance for training in circus activities, according to the director of the Zaltimbanq circus school, Mrs Zangarini, there is no generally applicable and automatic assistance, but rather financial and structural assistance granted on an *ad hoc* basis when shows or performances are staged or when training courses are organised by the school.

#### **4. Education, training of artists in ‘circus arts’ (state assistance, grants, other measures and circus schools)**

Training in circus activities in Luxembourg is not very highly developed; it is available in two forms.

First, ‘discovery’ courses are organised for circus activities, as is the case with the training courses organised by CEPA, the ‘European Circle for the Propagation of the Arts’, under the patronage of the Ministry of Culture, Education and Research of Luxembourg. These courses are available in the form of evening classes and include different workshops such as writing and calligraphy and also magic, acrobatics, juggling, mime etc.

Secondly, there are actual schools with responsibility for training in circus arts; only two schools are registered in the Grand Duchy of Luxembourg, the Gipsy Circus school run by Mrs Defrance in Arlon, which specialises in floor acrobatics and teaches children. The only school which is recognised by the authorities and which enjoys occasional State assistance is the Zaltimbanq non-profit-making association, run by Mrs Zangarini. This school was founded in 1997 and its object is ‘any activities whatsoever that are likely to promote the organisation and propagation of circus arts and the management and organisation of any works pursuing the same objective’. There were around 100 registered students in 2001 (children, teenagers and adults). The activities at the Zaltimbanq school include training through classes, or training courses at circuses, and the organisation and staging of shows and productions, as well as exchange days with foreign circus schools. This school was founded by a group of friends who studied together at the ‘École sans filet de Bruxelles’ and takes its name Zaltimbanq from the French phrase for ‘leaping over the bench’.

Zaltimbanq does not receive assistance or other grants to provide for its regular operation. A primary school room is provided for a consideration at fixed times of the week by the Sports Service of the City of Luxembourg. The school sporadically applies for grants from the Ministry of Culture in connection with training courses or exchanges with foreign circus schools such as the Albanian State Circus, which has been coming to Luxembourg for five years. Such assistance covers only part of the budget.

#### **5. Legislation, governing employment, working conditions, health and safety in the workplace**

There is no specific legislation for circus artists; they are, however, covered by the more general rules governing self-employed professional artists, a status established by a Law of 30 July 1999, and those governing the general status of workers in the wider sense. These two sets of rules will apply concomitantly, precedence being given to the more specific provisions.

**6. Social legislation: social security and quality of life in circus undertakings**

There is no specific provision for circus artists in the Grand Duchy of Luxembourg.

**7. Education of circus children (problem of education and infrastructures etc.)**

The Grand Duchy of Luxembourg is not affected by these problems, since Luxembourg does not have a national circus and is not required to become involved with foreign circus organisations.

**8. Discussions and prospects for circuses in Luxembourg**

The Luxembourg authorities have decided to implement major changes from 2000, in particular to approach the arts using an annual sectoral approach for 2002-2003-2004.

Thus, 2002 will be devoted to the plastic arts, 2003 to the performing arts (theatre, music, dance, story-telling, circuses etc.) and 2004 to heritage.

In principle each year it will, however, be possible to finance a limited number of annual and multiannual projects in other non-priority sectors.



## **The Netherlands<sup>127</sup>**

### **1. Introduction**

There are 13 circus-enterprises in the Netherlands, consisting of 46 families. The total circus population is 169 and there are 43 school-age children<sup>128</sup>.

Visits to 'stage-arts' shows have increased by 3% over the season 1998/1999. There is a new record of average visitors per show for professional theatres. It is striking that only the category of stage-arts, which includes circus and cabaret, shows a significant decline in the average number of visitors per show<sup>129</sup>.

Circuses in the Netherlands have up-to-date administrative systems, which result in the extensive use of computers. Many self-regulatory measures have been adopted among Dutch circuses, especially as regards animal welfare, care and protection. Moreover, many circuses are affiliated to the ARBO service, which is the Dutch section of the European Network for Health and Safety at Work. (Questions answered by Martin Hanson, Chairman of VNCO (Association of Dutch Circus-Enterprises) and President of the European Circus Association).

### **2. Legislation**

Legislation as regards circus-enterprises is very complex. Obtaining permits is problematic, and foreign circus artists have to be tested for tuberculosis. When a foreign circus worker wants to visit his or her own country, they must obtain a pass/permit from the police in order to be able to return to the Netherlands afterwards. (Questions answered by Martin Hanson; Chairman of the VNCO (Association of Dutch Circus-Enterprises) and President of the European Circus Association).

### **3. Financial support to circus**

There are no forms of financial support to circuses in the Netherlands. (Questions answered by Martin Hanson; Chairman of the VNCO (Association of Dutch Circus-Enterprises) and President of the European Circus Association).

### **4. Vocational training for artists**

The only circus school in the Netherlands is "De Hoogte" (Boerhaavestraat 30, 8921 Leeuwarden, + 31 58 2162236, email: [circusschooldehoogte@compuserve.com](mailto:circusschooldehoogte@compuserve.com)).

It is not officially recognised by the state and students can not get a grant for attending this school. There are some private funds that can support students. If successful, students can receive a grant and the school will receive an amount per student, donated by the state.

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<sup>127</sup> Written by Alja Van Wilsem, trainee at the Directorate General for Research, European Parliament, May 2002.

<sup>128</sup> EFECOT, Survey Travelling Communities and Schooling Provisions in Europe, Updating the Information, Project: "Travelling on Together" Comenius Action 2, 2001 EFECOT/EN, L. Knaepkens/R. van de Rakt, p. 9.

<sup>129</sup> (Persbericht, CBS-Press service, 28.6.2000, <http://overheid.nieuwsbank.nl/inp/2000/06/0628G031.htm?fmt=OVH>).

Students pay EUR 1400 per year and training to become a circus artist takes three years. Most students at "de Hoogte" come from abroad. Many contacts exist between circus school "de Hoogte" and other prestigious circus schools abroad.

A special inspection is necessary to test the eligibility of teachers for acrobatics and circus skills<sup>130</sup>.

## **5. Labour legislation**

There is no special labour legislation applicable to circuses. Most circuses in the Netherlands are members of the ARBO Service. (Questions answered by Martin Hanson; Chairman of the VNCO (Association of Dutch Circus-Enterprises) and President of the European Circus Association) ARBO is the Dutch section of the European Network for Health and Safety at Work<sup>131</sup>.

### **Health and safety<sup>132</sup>**

#### **1. Which OSH regulatory framework/s is/are applicable?**

At national level OSH is covered by the Working Conditions Act 1998 and the Royal and Ministerial Decree upon which it is based. There are various regulations at municipality level to safeguard public safety, usually emphasising the requirement of permits for certain activities.

#### **2. Are there any specific OSH provisions for circuses?**

At national level there are no specific OSH provisions for circuses.

#### **3. Do the OSH provisions cover visitors as well as workers?**

Visitors are, as a rule, not covered by OSH regulations at national level.

#### **4. Have there been any problems with OSH inspection?**

We are not aware of any problems with OSH inspection by the Labour Inspectorate. (The Labour Inspectorate drew up a project plan for circuses in consultation with the circus organisation branch.)

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<sup>130</sup> Ministry of Social Affairs and Employment: Kunstzinnige vorming 2001, Verbindendverklaring CAO bepalingen (binding declaration of the collective bargaining agreement-provisions. AI Nr. 9507, bijvoegsel Stcrt. dd. 19/02/2001, nr. 35.

<sup>131</sup> ([www.arbo.nl](http://www.arbo.nl)).

<sup>132</sup> Received in June 2002: *Replies to the information request on health and safety provisions concerning circus from the European Parliament*, Coordinated by the European Agency for Safety and Health at Work, Gran Via 33, Bilbao, E-48009 Spain, Coordinator: William Cockburn, Network Secretariat, ([cockburn@osha.eu.int](mailto:cockburn@osha.eu.int), <http://agency.osha.eu.int>).

5. Are there any OSH provisions preventing non-national circuses performing in your country?

As far as we know there are no OSH provisions preventing non-national circuses from performing in our country.

## **6. Social security legislation**

There are no special arrangements concerning Social Security Legislation and the circus. However, different contributions for half-pay insurance exist within the Cultural Institutions sector. As the circus has a high half-pay risk-percentage, higher contributions need to be paid by employers. The reason for this is that employment of several company activities within the sector (such as the circus) is mostly seasonal and seasonal unemployment occurs regularly. (Besluit premiedifferentiatie wachtgeldverzekering sector Culturele Instellingen, Staatscourant 27 December 2000, nr. 250, p. 61)

Moreover, foreign artists are not eligible for social security benefits in the Netherlands. Only once, eighteen years ago, has a foreign artist applied for asylum in the Netherlands, thus making him eligible. (Questions answered by Martin Hanson; Chairman of the VNCO (Association of Dutch Circus-Enterprises) and President of the European Circus Association).

## **7. Education for children of circus artists**

There is only one organisation that provides children of Circus artists with primary education. The foundation is called 'Stichting de Rijdende School' (SRS, Foundation Travelling Schools) and provides the children (including fairground workers' children) with education. It was established more than 40 years ago and the first travelling school appeared in 1955. At the present time, the Foundation Travelling School has 15 school buses, which are equipped to provide around 350 children, who travel with their parents, with primary education. A circus can apply for a mobile school when they have 6 children or more. ([www.rijdendeschool.nl](http://www.rijdendeschool.nl)) Primary education for circus children is usually considered beneficial, however, secondary school education is problematic. Circus children do not often attend boarding schools (questions answered by EFECOT).

In the summer months, the children attend the travelling school on location and when there is no school in the vicinity they go to a regular primary school or work at home, where teachers support them through the use of email. In the winter months almost all children attend their own "normal" schools. The teachers of SRS visit the regular schools and the pupils. There is usually a good relationship between teachers and parents of Travelling School pupils, and these days education goes beyond just teaching the children. For example, the Travelling School has established the ADAPT Project, which enables circus artists themselves to improve their computer skills. The material used in these courses is aimed at the daily practice of fairgrounds and circuses.

Over the past few years, ICT and the necessary computers have played an increasingly significant role. For those children that cannot attend a Travelling School, SRS has been using ICT for distance learning. The children are educated using a laptop computer with a GSM connection and also via the use of email. The children receive a package of educational material, do the corresponding work at home, and send the answers and questions to the teacher by email. However, GSM is not always fast enough, so on 22nd May 2000, SRS, in co-operation with EFECOT, established the 'Trapeze' project: distance learning through satellite connection. 12 children and their parents were selected for participation in the project ([www.rijdendeschool.nl](http://www.rijdendeschool.nl)).

The technology that is used in the mobile schools is financed through the budget of the Ministerie of Onderwijs, Cultuur en Wetenschappen (Ministry of Education, Culture and Science). However, the government does not pay the Open and Distance learning for circus children when they travel abroad. The Travelling School itself is funded as any other school in the Netherlands, since under Dutch law, private schools in the Netherlands receive the same funding as public schools (Questions answered by EFECOT).

There is a compulsory education law in the Netherlands, from which circus children are exempt. However, in the summer months, from March to November, the children of circus artists are obliged to attend school from the age of five onwards. (Questions answered by EFECOT) The children of circus workers from other countries have to comply with this compulsory education principle when they are staying in the Netherlands. When a circus establishes itself in the Netherlands and there are enough children, the 'Stichting Rijdende School' is prepared to educate the children. Reciprocally, when a Dutch circus goes abroad, it would be beneficial if education were also to be provided in that particular country. 'Stichting Rijdende School' has transferred know-how on a large scale and EFECOT's tools and channels have been very useful for this purpose. However, Dutch children of circus artists can still not count on education provision in other countries (Speech by Herman Redemeijer, Honorary President Stichting Rijdende School, the Netherlands).

## **8. Current debates and future plans**

There are several problems related to mobility of Dutch circuses abroad. All European countries have their own laws and procedures when it comes to extending permits to circuses. For example, in Germany it is necessary to have a permit stating that the circus tent complies with certain standards, and many Dutch circuses are not able to comply with these standards. The VNCO, the Dutch Association of Circus Enterprises, asked the Secretary of State for Culture to incorporate circus into the Culture Bill 2000. However, this request was not granted, and the VNCO plans to repeat its request in due time for the next culture bill, so that possible support measures for the circus may be developed.



## Austria<sup>133</sup>

### 1. History of the circus, general overview

Please see the corresponding remarks for the *Federal Republic of Germany*.

### 2. History of the circus in Austria<sup>134</sup>

As early as the 17<sup>th</sup> century, travelling entertainers, players and artistes began appearing in the territory of the present Republic of Austria to entertain not only the aristocracy but also the general population. In Austria, as in other European countries, permanent performance venues were established first, to be followed by itinerant companies, the so-called travelling circuses. DE BACH founded the first permanent circus in Vienna. In 1808, a venue seating 3 000 people opened at the circus-ground in the Prater. This building was used for circus performances until 1852, as well as hosting a succession of visiting circuses in between. The best-known permanent circus venue was the RENZ building, which was constructed in 1853 and, after the demise of the then Circus RENZ in 1897, continued to be used by other circuses until it fell victim to bombing in 1944. The Prater was also home to the buildings of the Circuses BUSCH and ZENTRAL. The best-known travelling circuses included the Circuses HENRY (1888-1914) and FIRSCHLE-LAFORTE.

During the National Socialist period, many people attended circus shows as a way of temporarily escaping the horrors of the National Socialist reign of terror and the war. More detailed studies as to whether and to what extent circuses were part of the Hitler regime do not exist.

### 3. Present situation<sup>135</sup>

Since 1945 the circus business has continued to develop steadily in Austria although, in *quantitative* terms, the role of the circus there is of no great significance. Moreover, Austria does not have any major circuses by international standards. In 2001, there were approximately 11 circus companies<sup>136</sup>. Partly as a result of its small size, Austria can offer circuses only a modest market. Also, it is no longer possible to take for granted boundless popular interest, as was the case just a few decades ago. There are, nevertheless, structural differences<sup>137</sup> between family circuses and those which primarily employ professional artistes and workers, so-called *professional* circuses. A fundamental distinction can be drawn between these *professional* circuses (sometimes also known as *big* circuses) and *family* circuses (*small* circuses). In family circuses, the majority of the programme is carried by members of the family, with business activities such as bookkeeping etc. also being carried out within the family. It is often the case that one person has to take on several different activities. It goes almost without saying that in small family circuses family members perform several functions; this reduces staff costs but requires a greater investment of time by the whole family. Alongside this 'core' the company may employ a number of workers, for

<sup>133</sup> Written in German by Falco Böhlje, trainee at the Directorate General for Research, European Parliament, May 2002, External Translation (DV\471997EN.doc).

<sup>134</sup> Based on the following source: Freynhofer, Sabine, dissertation, p. 7 et seq.

<sup>135</sup> Freynhofer, Sabine, dissertation, p. 7 et seq., 26 et seq., 41, 88.

<sup>136</sup> Freynhofer, Sabine, dissertation, p. 28, 88.

<sup>137</sup> Freynhofer, Sabine, dissertation, p. 35.

example to erect the big top etc., and sometimes also additional artistes intended to enhance the programme. A high degree of loyalty is prevalent in the circus family; the 'working capital' is a talented, artistically trained and hard-working family.

The situation is quite different in the professional circuses, which primarily use artistes and workers who are not part of the family and who are only engaged for one season in the first instance. Management, however, is in the hands of a family or other persons who are not themselves artistes. Usually there is nothing more than a working relationship with the artistes and workers. Bigger companies sometimes completely change their programme each season, which means that new artistes and, correspondingly, new 'acts' are engaged for each season. While the season is in progress, the professional circuses keep an eye on the 'market' for artistes, i.e. they gather information on individual artistes via informal international contacts and may then engage them for the next season. This results, on the one hand, in a high level of staff turnover and, on the other, in a workforce with members of different nationalities, changing on an annual basis.

There are also certain differences in the target audience to which the respective circuses aim to appeal. Smaller family circuses appeal mainly to families, while professional circuses target a largely adult audience. This distinction between family and professional circuses extends to the choice of venues with big circuses visiting the main cities and provincial towns, while family circuses concentrate primarily on rural areas.

Competition between circuses is stiff and there is at present no joint organisation in Austria to represent their interests. As a result of Austria's accession to the EU and the associated opening up of the country to circuses from the EU area, the few Austrian circuses find themselves exposed to increased competition from foreign ones<sup>138</sup>. The market in Austria has insufficient capacity for both Austrian and foreign circuses. German circuses are, to a certain extent, exempt from German road tax, e.g. for articulated lorries. However, there are no corresponding regulations covering Austrian circuses, which gives a competitive advantage to those from Germany touring in Austria.

It is important to note that circuses tour from spring to autumn and usually move to fixed quarters for the winter. For example, in nine months, from March to November, the Circus ELFI ALTHOFF-JACOBI visits 45 venues in Austria, giving almost 400 performances<sup>139</sup>.

The traditional circus area has been seeing declining audience numbers for a few years. Since animal-welfare groups exposed animal cruelty at a few circuses in Europe (not specifically in Austria), animal-rights activists have been protesting vigorously against animal acts, as – across Europe – animals are not always kept in appropriate conditions and are exposed to significant cruelty during training etc. Although this is only true in the case of a few disreputable circuses in Europe, the public does not usually make any distinction. The smaller circuses find themselves walking a tightrope between animal welfare and falling incomes. Without the necessary finances, it is impossible to offer spectacular programmes in terms of technology and numbers of artistes as well as to engage expensive artistes<sup>140</sup>. With a view to incomes, the smaller circuses often have to rely on programme items involving animals and giving the audience the opportunity to meet the animals during the intervals.

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<sup>138</sup> Circus Pikard.

<sup>139</sup> Circus Elfi Althoff-Jacobi, <http://www.zirkus.at>.

<sup>140</sup> Austrian Trade Union Federation.

#### 4. Legal provisions, legislation relating to circuses / problem areas

Austria is a Federal state comprising nine provinces. There are no special acts at either national level or in the individual Provinces relating explicitly and **solely** to circuses. As in Germany, circuses in Austria are not considered part of the culture sector but rather as normal commercial enterprises. Throughout Austria, circuses are confronted with the *Foreign Nationals (Employment) Act [Ausländerbeschäftigungsgesetz]*. Many circuses employ artistes from the countries of the former Eastern bloc, which continue to support a large number of training facilities for artistes<sup>141</sup> (in contrast to Austria, see D.), and these artistes are highly skilled. Among other things, the *Foreign Nationals (Employment) Act* regulates whether and, if appropriate, for how long foreign artistes may work in Austria. Non-EU nationals require a *work permit*. It is generally possible for nationals of countries outside the EU to enter Austria on a so-called artiste's visa. There can be problems<sup>142</sup> for the circuses and artistes concerned if the necessary authorisations are applied for at the Austrian embassies in the artistes' home countries rather than in Austria itself (in which case the circuses are supported by the authorities). The artistes must apply for visas at the embassies. This can sometimes involve a waiting period of up to 5 months, with the circuses and artistes not always being informed by the authorities as to the status of the visas.

At the level of the nine provinces there are many legal provisions relating to circus companies, for example the Viennese *Events Act [Veranstaltungsgesetz]*, which regulates the location, nature, establishment and running of event venues, including circuses. A circus company touring Austria must comply with the varying provisions of the nine provinces, e.g. provincial provisions governing health checks, fire safety, taxes, special authorisations for goods vehicles to travel in areas where night-time and weekend bans are in force, gaming licences, trade licences, subscriptions to chambers of trade, etc. Some specific authorisations have to be obtained nine times, e.g. special authorisations for goods vehicles to travel in areas where night-time and weekend bans are in force, as an authorisation granted in one province will not automatically be applicable in another<sup>143</sup>. The same applies to the events licences which a circus requires for each province and which are valid for only a limited period. Moreover, chamber of trade charges are always payable for a whole year and for each province through which the circus wishes to travel, irrespective of for how long the circus stays in the relevant province<sup>144</sup>.

See also point E.).

#### 5. Financial support, taxes

Since circuses are not part of the culture sector under Austrian law but are considered normal commercial enterprises, they do not as such receive any subsidies or other public support. In some cases circuses are able to apply to municipalities and towns for the circus to be exempted from municipal taxes and costs during its stay. This usually relates to costs of the fire service (fire brigade), which in most main towns in Austria are under the control of the mayors [*Bürgermeister*]. However, this is not laid down in law and is at the sole discretion of the towns and municipalities (mayors).

Circuses receive tax concessions on the sale of souvenir items, with the tax rate being reduced from 20% to 10%.

<sup>141</sup> Austrian Trade Union Federation.

<sup>142</sup> Circus Elfi Althoff-Jacobi.

<sup>143</sup> Circus Elfi Althoff-Jacobi.

<sup>144</sup> Circus Pikard.

## 6. Specialist training of artistes

There is no system of public sponsorship or grants, or public or private training centres for artistes<sup>145</sup> in Austria. Artistic expertise is either learned from the parents or in the family or is self-taught. Accordingly, there are no criteria for a professional job description or a professional examination. This means that the profession has to contend with considerable problems in terms of attracting newcomers and the fact that most artistes come from the former eastern bloc countries.

These artistes have been trained in their home countries. Even after the collapse of the Warsaw Pact, the level of specialist training of artistes in these countries remains very high.

## 7. Legal provisions relating to the artistes and employees, working conditions, health and safety in the workplace / social insurance

Professional circuses and, in some cases, family circuses employ artistes, employees and other workers as normal employees. In the case of the professional circuses, which change their programme on a frequent basis, short-term contracts prevail. This non-tenured form of employment means that the artistes etc. are covered by social insurance for illness, unemployment, accidents and pensions. As employer, the circus company pays employer's contributions for the artistes employed who, like normal employees, also pay part of the contributions themselves. Social insurance is thus generally in place<sup>146</sup>. The unions<sup>147</sup> ensure that the employment of artistes in circuses complies with the provisions under labour and social legislation and have drawn up their own 'Guidelines' to prevent 'dumping salaries'. If a payment does not comply with the union's regulations, the union will withhold consent for applications for a *work permit* (see above); the unions work closely with the labour-market authorities in this respect.

For the rest, the standard health and safety provisions are applicable as for other employees<sup>148</sup>; there are various national and provincial provisions governing health and safety in the workplace, working hours, employment of minors, etc.<sup>149</sup>. Compliance with these provisions is monitored by government bodies. In the last 10 years approximately 40 checks have been carried out on circus companies, with fines being imposed in some cases<sup>150</sup>. Problems emerged occasionally with circuses which have their headquarters outside Austria. Fines could not be enforced in these cases.

The provisions governing health and safety in the workplace do not distinguish between Austrian and foreign circuses. The same legal provisions apply to all circuses touring in Austria.

## 8. (Pre-) school provision and education of the children of circus members

All children permanently resident in Austria are obliged to attend school under Section 1 of the Compulsory Education Act [*SCHULPFLICHTGESETZES*]; this obligation begins on the 1 September following the child's 6<sup>th</sup> birthday and lasts for nine academic years. In the case

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<sup>145</sup> Federal Chancellery, Art section, Vienna; Federal Ministry of Education, Science and Culture, Vienna.

<sup>146</sup> Austrian Trade Union Federation.

<sup>147</sup> Austrian Trade Union Federation.

<sup>148</sup> European Agency for Safety and Health at Work, Bilbao, Spain.

<sup>149</sup> European Agency for Safety and Health at Work, Bilbao, Spain.

<sup>150</sup> European Agency for Safety and Health at Work, Bilbao, Spain.

of a purely temporary stay in Austria (as in the case of foreign circuses on tour), children are entitled to attend an Austrian school<sup>151</sup>.

The fundamental situation with respect to the schooling of circus children in Austria is comparable with that in Germany. Please refer to the study '*The social and legal situation of circuses in the Federal Republic of Germany*', POINT F.). The lives of children and young people in Austrian circuses is characterised by seasonal movement and frequent changes of location, leading to constant changes of teachers, classmates, syllabi and teaching concepts. This results in considerable teaching and learning deficiencies. The parents and grandparents of today's circus children often received little regular schooling themselves and many therefore never completed their education. Illiteracy is a frequent phenomenon. However, recent years have seen a change in thinking among parents in particular, with a much higher status now being accorded to their children's schooling than was the case a few years ago. In particular, education is regarded as a 'second leg to stand on' so that, should the children be unable to work as artistes as a result of an accident etc., they will be able to change to a 'conventional' occupation<sup>152</sup>. In principle, the models for school education are as follows<sup>153</sup>:

- attendance at schools local to the respective venues
- home teaching by parents or relatives (exemption pursuant to Section 11 of the Compulsory Education Act for circus children of compulsory school age) or by means of special learning programmes (for foreign children, if their home country provides such a programme)
- if the children are living with relatives/friends/foster families: attendance at schools local to the respective place of residence
- residence in boarding schools/homes
- distance learning
- schools which travel with the circuses.

It is not possible to say definitively which of these learning models is the most effective. The shortcomings in the system of attendance at schools at the respective circus venue are clear, as the circuses change venue very frequently and after only a short time<sup>154</sup>, leading to significant learning problems. Teaching by parents and relatives is problematic<sup>155</sup> if they are not trained as teachers. Learning can, however, be adapted to the needs of the circus, as irregular and short-term learning phases are also a possibility. However, the educational opportunity in the case of home teaching depends to a large degree on the educational level of the persons doing the teaching. The opportunity for the children to achieve a higher level of education than their parents is low. Moreover, the typical teacher-pupil roles are lacking in this model. The model of the travelling school, a system practised in a number of German *Bundesländer*, does not yet exist in Austria.

Given the large amount of travelling involved with circus life, flexible approaches which take the situation of the circuses into account are the most sensible way of enabling children and young people to obtain a sound education. This is why the school should be tailored to the particular circumstances of the circus and be compatible therewith<sup>156</sup>.

<sup>151</sup> Federal Ministry of Education, Science and Culture, Vienna.

<sup>152</sup> Freynhofer, Sabine, dissertation, p. 90.

<sup>153</sup> Freynhofer, Sabine, dissertation, p. 15 et seq., 77 et seq. discusses this in detail.

<sup>154</sup> The Ministry of Education, Science and Culture, Vienna.

<sup>155</sup> Cf. Freynhofer, Sabine, dissertation, p. 78 et seq.

<sup>156</sup> Freynhofer, Sabine, dissertation, p. 117.

The problem of schooling for children of itinerant parents has yet to be addressed in Austria or has only just been touched upon. In this matter too, the circuses feel that they receive little support from official bodies<sup>157</sup>. Solutions are instead worked out on an individual basis by the parents in question. This applies particularly in the case of the children of artistes who are only engaged on a seasonal basis. There are no joint parents' initiatives.

## **9. Public and government view of circuses**

The public and government have in the past given little recognition to circuses as a problem area. Only the Austrian Trade Union Federation has addressed the subject.

## **10. Summary**

The life of people in the circus trade is characterised by a high degree of mobility. Owing to ignorance of the actual circumstances, however, Austrian laws do not always take account of this. Authorisations issued in one province are not always valid in the others. The fact that circus performers are not accorded the status of artistes is a major problem. Moreover, there has previously been a lack of adequate regulation to ensure that circus children receive a thorough education. Circuses fall outside the normal framework of the school system. Introducing the model of the 'mobile school', used in some of the German *Bundesländer*, may be one possible line of approach.

### **Main sources:**

- The Austrian Ministry of Education, Science and Culture, Vienna;
- Circus Elfi Althoff-Jacobi;
- Austrian Federation of Trade Unions, Vienna;
- Freynhofer, Sabine: 'Leben und Lernen auf der Reise' [Living and Learning on the Road], dissertation, Vienna 2001.

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<sup>157</sup> Freynhofer, Sabine, dissertation, p. 68 et seq.

## Portugal<sup>158</sup>

### 1. Historical background

In 1596, Lisbon was already a renowned stage for organised street performances namely in the main courtyards of St. Mathew Palace. Yet only in the 18th Century was the first permanent circus created in Portugal, which was located at Teatro do Salitre in Lisbon<sup>159</sup>. A century later, some extremely famous circus companies were created and soon some of these artists became widely known throughout the country: "Os Acides" at "Teatro do Bairro Alto"; "Auvilot" at "Circo de Madrid"; and "Henry Wittoyne" in the main public squares in Lisbon.

In 1890, the "Teatro-Circo Português" and the "Coliseu dos Recreios" were created, which, under the guidance of the "Covões" family expanded the idea of circus into new forms of artistic expression ranging from the use of animals to acrobatics.

Only from the 1950s onwards did a wide number of touring circuses start to emerge taking the show of illusion, magic and fantasy that those from the major cities were already accustomed to<sup>160</sup>, to all parts of the country.

In the 1960s and 1970s, some circus companies started to struggle financially and with the bankruptcy of many of these companies the circus in Portugal entered into a phase of decline. According to some critics such as A. Câmara from "O Expresso" the quality of the shows were to blame on the one hand, but on the other hand there was also little support from the state which contributed to the crisis of the circus business in Portugal<sup>161</sup>.

Today, this trend remains and it is urgent for the state to create all the required infrastructures (legal and financial) to protect and promote this form of cultural expression in the country. "Circo Victor Hugo Cardinali" and "Circo Chen" consist of the only two major companies operating in Portugal while "Circo Dallas", "Internacional Circo Atlas" and "Circo Roberto Cardinali" are just some of the examples of small companies that have to struggle on a daily basis to maintain their shows on the road<sup>162</sup>.

### 2. Legislation on circus businesses

According to the Decreto-Lei nr. 313/ 81 from 19 November, circuses are defined as cultural co-operatives, which have to follow all the instituted legislation for its implementation and functioning. All co-operatives devoted to similar activities within this sector may be established as unions or federations in conformity with the law<sup>163</sup>.

Ultimately, City Halls function as the main authority in controlling the legality of circuses' operations. Following the Decreto-Lei nr. 315/ 95 of 28 November, circuses are included in the artistic activities over which a given City Hall has jurisdiction. A project ought to be

<sup>158</sup> Written by Tiago Faia, trainee at the Directorate General for Research, European Parliament, November 2002.

<sup>159</sup> Fernandes, P. & Anselmo, R., "O Circo! O Maior Espectáculo do Mundo!", (<http://www.terravista.pt/-guincho/3909/index.html>, 08/ 11/ 02).

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Câmara, A., "Viver com o Perigo", in O Expresso (Revista - 11/ 12/ 99, <http://primeirasedicoes.expresso.pt/ed1415/r0781.asp>, 08/ 11/ 02).

<sup>163</sup> Diário da República Electrónico, "Decreto-Lei nr. 313/ 81", (<http://www.dr.incm.pt>, 08/ 11/ 02).

presented to the City Hall which may or may not approve it according to the principles introduced by the Direcção-Geral dos Espectáculos (DGESP) - the committee responsible for all the legislation and control of artistic activities in the country, which is integral part of the Ministry of Culture<sup>164</sup>.

The immediate result of this situation is a bureaucratic process, which often creates confusion about who is in fact responsible for the circus activities in Portugal. Unlike other forms of artistic performance, the touring circuses in Portugal are not required to be registered with the DGESP (since they do not have a fixed venue under their possession to present their performances) but only to ask for permission to perform before the City Hall in the area where they wish to perform, within the period of 15 days in order to proceed with all the required health and safety arrangements. At the same time the advertisement and publicity campaign can be arranged by the management of a circus in whatever manner that they please, as soon as they have a guaranteed licence to perform by a given City Hall.

After guaranteeing a licence, circuses are required to co-operate with City Halls and facilitate the work of the representatives of both City Halls and the DGESP by providing the legal control of the functioning of the circuses and the support from the local police and fire brigade forces.

### **3. The Economic situation**

Circus in Portugal is presently declining and many companies have declared bankruptcy and ceased their activities. Many other forms of artistic expression (cinema, theatre or visual arts) have guaranteed governmental support for many projects and maintained an acceptable level of quality and quantity production. Yet the situation with the circus is rather distinct. Companies, workers and projects are often left without any support contributing to the bleak picture of the circus business in Portugal<sup>165</sup>.

The few companies that still survive rely on the general public to guarantee their revenue but if their performances are not original and varied, the attendance will consequently be low, which will in itself limit the funds available to support the structure of a circus company. "Circo Victor Hugo Cardinali" is one of the few companies in Portugal that manages a great commercial success before the public generating enough revenue to contract performers from some of the best circus schools in Europe<sup>166</sup>. However, the reality is rather different for the majority of the remaining circus companies, which have to face a massive struggle without any support to keep their business running.

### **4. Training provisions for artists**

The Decreto-Lei nr. 26/ 89 from 21 January 1989 introduced some legislation for the creation of circus education, which would be under the auspices of the Ministry of Education and the Ministry of Employment and Social Security. Consequently, two major institutions were created: "Escola Profissional de Artes e Ofícios do Espectáculo" and "Colectividade Cultural e Recreativa de Santa Catarina"<sup>167</sup>.

After completing these courses, students would obtain the equivalent education to that available in Portugal up to the level before university or higher education. If a given student

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<sup>164</sup> Diário da República Electrónico, "Decreto-Lei nr.315/ 95", (<http://www.dr.incm.pt>, 08/ 11/ 02).

<sup>165</sup> Camăra, A., "Viver com o Perigo".

<sup>166</sup> Ibid.

<sup>167</sup> Diário da República Electrónico, "Decreto-Lei nr26/ 89", (<http://www.dr.incm.pt>, 08/ 11/ 02).



wishes to pursue their studies on this field at a higher level he or she can only do so at one institution in Portugal - Chapitô. Chapitô is a cultural, social and educational project where training animation and social intervention are linked through arts<sup>168</sup>.

## 5. Education for children of circus artists

Children whose parents are circus performers lead a semi-nomadic life-style as part of a touring circus. Some private entities have campaigned for the creation of the necessary conditions to provide these children with education to the Portuguese government and the European Union. These appeals have had some positive results. In the early nineties, the European Commission agreed to finance the creation of a project in Portugal capable of providing these children with facilities and teachers wherever the circuses would travel. The government and the Ministry of Culture are currently developing the project aimed at providing these children with the most suitable solution<sup>169</sup>.

Normally, children have to spend a month or two at a certain school and then change on to another school in order to proceed with his or her studies. Nevertheless, it becomes at times a very bureaucratic and lengthy process, which may in turn have negative effects on these children. Some critics, like A. Sanches from "O Público" argue that the current system is not the most suitable and thus there is a widespread drop out from education within the group of the children from the circus. Consequently, a big gap may therefore emerge between these children and those who lead a more conventional and sedentary lifestyle<sup>170</sup>.

It appears that this idea is slowly developing, and the major circus companies have already started some campaigns of protest, which have gathered support from some parts of the media in Portugal. Many believe that the media could be a sound vehicle to promote the rights of circus workers and artists, and therefore help the circus to survive in Portugal.

## 6. Legislation concerning social security

The social security regime for artists in Portugal (circus artists included) is provided as long as artists work as independent employees and as liberal workers, as stated in the Decreto-Lei nr. 407/ 82 from 27 September<sup>171</sup>.

Following the Decreto-Lei nr. 407/ 82 from 27 September, a new decree was adopted (Decreto-Lei nr. 328/ 93 from 25 September) ruling that circus performers are an integral part of the social security regime for liberal workers thus creating an equalitarian system for all artists<sup>172</sup>.

The Decreto-Regulamentar nr. 34/ 95 from 16 December established the legislation for all the safety requirements for circus performances and shows. It covers all the details from the dimensions of the stage to the materials from which the cages used to keep the animals should be made of. It is a concise document covering the most relevant topics in the safety measures concerning circus<sup>173</sup>.

<sup>168</sup> Chapito, "Official Website", (<http://www.chapito.org>, 08/11/ 02).

<sup>169</sup> Rosendo, G., "Menino de Circo", in *O Expresso* (Revista 23/ 12/ 00, <http://primeirasedicoes.expresso.pt/-ed1469/r0241.asp>, 08/ 11/ 02).

<sup>170</sup> Sanches, A., "Os Meus Filhos continuam a chegar ao fim do ano", in *Público* (23/ 01/ 02, <http://publico.pt>, 08/ 11/ 02).

<sup>171</sup> Diário da República Electrónico, "Decreto-Lei nr.407/ 82", (<http://www.dr.incm.pt>, 08/ 11/ 02).

<sup>172</sup> Diário da República Electrónico, "Decreto-Lei nr.328/ 93", (<http://www.dr.incm.pt>, 08/ 11/ 02).

<sup>173</sup> Diário da República Electrónico, "Decreto-Lei nr.34/ 95", (<http://www.dr.incm.pt>, 08/ 11/ 02).

## **7. Health and safety legislation**

The existing security legislation is part of the Decreto-Lei nr. 315/ 95 from 28 November, and asserts that where the show takes place is the concern of the local police. The arrangements between the circus companies and local police should be mediated by the City Halls, which ought to create the necessary conditions for the creation of a police team capable of sustaining the security of the show<sup>174</sup>.

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<sup>174</sup> Diário da República Electrónico, "Decreto-Lei nr.315/ 95", (<http://www.dr.incm.pt>, 08/ 11/ 02).

## Finland<sup>175</sup>

### 1. Historical overview

The distinguished European tradition of the circus also has a firm foothold in Finland. The reason for this is that the coastal road through southern Finland was used regularly by touring artistes as well as larger established circus troupes, since the capital cities of Stockholm and St. Petersburg were a great attraction. In practise, a large number of the performances given in the neighbouring countries of Sweden and Russia also came Finland's way. These shows were often of an exceptionally varied and high standard<sup>176</sup>.

The first circus troupe to appear in Finland belonged to the Frenchman, Jean Lustre, who arrived in Turku from Stockholm 200 hundred years ago and remained there for a month. During the following decades, there was a great demand for circus performances. In 1887, the first permanent building for circuses was built in Helsinki. The first Finnish circus was created in 1896 when the itinerant circus belonging to the Durander brothers started touring.

When Finland became independent in 1917, the interest that European circuses had had for this remote country died down. After the Second World War, there was a remarkable change of interest altogether and gymnastic and acrobatic groups in particular began to attract many young men. The best groups even performed abroad. In Finland, there were a large number of funfairs that offered job opportunities for many entertainers.

In the 70s, the biggest Finnish circus of today "*Sirkus Finlandia*" was founded. At the same time, numerous youth circuses were established and this helped contribute to a new circus culture in Finland<sup>177</sup>.

Even though the economic recession at the beginning of the 90s had a negative influence on the circus business in Finland, in 1991 the Ministry for Education decided to establish a working group that would compile a report in order to organise teaching of the circus arts. The report, "*Sirkusopettajien koulutustyöryhmän muistio*", proposed that teaching should be organised in a polytechnic educational institution and in 1995, the first class was established in Turku. The working group justified their decision by arguing that the popularity of circus arts had increased remarkably among young people during recent years<sup>178</sup>. At the same time there was a proposal to make basic teaching in the arts, alongside the compulsory lessons in comprehensive and high schools, obligatory. The intention was to ensure that all the sectors of art were placed on an equal footing, and this was to include the circus arts. The law was passed in 1998<sup>179</sup>.

Nowadays, there are three touring circuses in Finland, but only Circus Finlandia's tours include northern Lapland. These three circuses only tour in Finland. According to Leena Jurvakainen, the personnel manager of Circus Finlandia, there are still towns and villages whose requests to get circuses to perform cannot be fulfilled due to a lack of finance<sup>180</sup>. As already mentioned above, the first circus artistes arrived in Finland 200 years ago, and that is why several performances have been organised in 2002. For example, there is a circus

<sup>175</sup> Written by Marjo Mäenpää, trainee at the Direktorat General for Research, European Parliament, June 2002.

<sup>176</sup> Sven Hirn; *Sirkus kiertää Suomea*, p. 217-218.

<sup>177</sup> The prospectus of Circus Finlandia; *Sirkus Finlandia 2002 - Super show*.

<sup>178</sup> A memorandum of the Ministry of Education 1992:16 *Sirkusopettajien koulutustyöryhmän muistio*.

<sup>179</sup> *Laki taiteen perusopetuksesta 21.8.1998/633* - The Statute for the basic education in arts.

<sup>180</sup> Speech given by Leena Jurvakainen.

exhibition in Turku castle called "Circus Memories" (*Sirkusmuistoja*), which is organised in co-operation with the Swedish Circus Academy and the Circus Museum of St. Petersburg. The international youth circus festival is also held in Turku.

## 2. Legislation on circus companies

A national circus does not exist in Finland and, as in most European countries, there is no special law governing circuses. The circus business is instead governed by general legislation on entertainment, theatre, and performances. Where the law for the protection of animals is concerned, the Finnish Statutes emphasise that the Ministry of Agriculture can dictate which species of animals can be used in circuses. If there are grounds to question how the animal is treated, used, or transported, the local authorities have the right to carry out an inspection<sup>181</sup>.

Most of the regulations, which apply to circuses, are enacted at regional and local authority level.

Leena Jurvakainen states that circuses discuss the practical arrangements, such as the number of spectators, the positioning of the tent, the number of shows etc. with the local authorities, normally with communes. According to her, this has not caused any notable problems<sup>182</sup>.

## 3. Financial support and subsidies to circus

Since 1999, there has been a special sub-committee for Circus Arts in the Arts Council of Finland. The Arts Council is subordinated to the Ministry of Education. The mandate of the Arts Council of Finland is to allocate support to professional artistes and artistic activities, and advise the Ministry of Education on formulating and implementing policies for the arts. The Finnish system of arts councils and artists' grants is based on a law introduced in 1967<sup>183</sup>.

The sub-committee for Circus Arts was founded in 1998, after a special team was organised within the Arts Council of Finland to monitor the situation of circus artistes, as there had been no earlier research in this field. The team decided to alter the recommendations concerning professional activity, wages and financial subsidies. Moreover, the culture administration had expressed an interest in investigating this field. The results of this study are given by Merja Heikkinen, *"Sirkus ja estraditaiteilija. Raportti kyselytutkimuksesta"*. The survey involved 134 circus professionals.

The survey reveals that approximately 40% of the people who responded had never applied for a subsidy. Of those who had applied for a subsidy in the past, over 2/3 had been successful. This indicates that the likelihood of circus artistes receiving a subsidy was higher than in many other areas of the arts. In spite of this, circus artistes had not applied for subsidies very frequently. Almost half of those who had had a subsidy had received it from the Arts Council of Finland, whilst the other half had obtained it from a commune or a city council. This shows that, in addition to the Arts Council, communes, county councils and independent foundations are also important financial supporters for circus artistes<sup>184</sup>.

As already mentioned above, a specific body, the sub-committee for Circus Arts, was created in 1999 to deal with questions surrounding the circus. The committee monitors applications

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<sup>181</sup> *Eläinsuojelulaki 4.4.1996/247* - The Statute for the protection of animals.

<sup>182</sup> Speech given by Leena Jurvakainen.

<sup>183</sup> Introducing The Arts Council of Finland - [www.minedu.fi/artcoun](http://www.minedu.fi/artcoun).

<sup>184</sup> Arts Council of Finland, Research and Information Unit, working papers No. 31-1999, Merja Heikkinen; *Sirkus ja estraditaiteilijat. Raportti kyselytutkimuksesta*.

from circus artistes for subsidies which are donated by the Arts Council of Finland. In all, during the first half of 2002, the Arts Council had granted 12 subsidies for circus artistes, contributed to the creation of new circus organisations, and helped fund national and international touring. These activities also included child and youth circuses. The Arts Council sets aside a particular sum to finance such projects that otherwise have no other financial support. As a result, circus arts' projects are especially observed. In addition, the sub-committee for Circus Arts is able to donate special grants for artistic work<sup>185</sup>.

In general, where tax reduction policies are concerned, normal fiscal measures apply to circus companies, though there is an 8% value-added tax for each ticket<sup>186</sup>.

#### 4. Education for circus performers

The study carried out by Merja Heikkinen shows that approximately ¼ of circus artists have the matriculation examination and about 1/3 have been to a comprehensive school. Less than 20% of the people who answered the survey had had some professional education and over a half of them had studied abroad.

In 1992, there were 11 schools which taught circus skills and in comprehensive schools there were approximately 20 circus clubs. The financing of circus schools and clubs varies. Communes finance a part of it whilst a considerable number of circus schools have their own association which gives financial support<sup>187</sup>.

Nowadays in Finland, it is possible to take part in accredited vocational training, as there is an opportunity to specialise in the Circus Arts option within the degree programme of Performing Arts at Turku polytechnic school. The first class started in 1995. Polytechnic schools form part of the Finnish education system, which means that students are supported by monthly financial aid from the state and receive an officially recognised diploma. The financial aid encompasses a study grant, a housing supplement and a state guarantee for study loans. The length of studies varies from 3.5 to 4.5 years.

The 'Circus Art' option is taught using a mixture of training, encompassing circus technique, pedagogical studies, dance, production, and research studies. Circus Arts' graduates find employment in municipalities, youth circuses, theatres and dance companies, and various other organisations where they will be performers at varied events as part of theatrical groups. Most circus teachers, as well as performers, are graduates. Turku polytechnic school also offers additional schooling for those people already in the circus profession.

The selection criteria established by Turku polytechnic school can sometimes be difficult to meet. Students should have completed their upper secondary education, a matriculation examination or attended a secondary school, based on a 3-year vocational diploma or basic or higher vocational education in the field<sup>188</sup>.

Despite the existence of such a course in Turku, it is still more usual, according to Leena Jurvakainen, for family circuses to educate their own children with regard to the circus profession. Nevertheless, Circus Finlandia has hired a small number of newly graduated circus artistes from the Turku polytechnic school.

<sup>185</sup> The official web page of the Arts Council of Finland considering given grants:  
[http://www.taiteenkeskustoimikunta.fi/apurahat/paatokset/2002/taiteen\\_keskustoimikunta/index.htm](http://www.taiteenkeskustoimikunta.fi/apurahat/paatokset/2002/taiteen_keskustoimikunta/index.htm).

<sup>186</sup> *Arvonlisäverolaki 19.12.1997/1265* - The Statute for the value -added tax.

<sup>187</sup> Ibid. See footnote No 42.

<sup>188</sup> The information of Turku polytechnic school can be found in the following official web page:  
[www.taideakatemia.turkuamk.fi](http://www.taideakatemia.turkuamk.fi).

In addition, in 1999, Lahti polytechnic school offered a 'Circus Arts' course for the second time in its history, lasting for one year<sup>189</sup>.

## **5. Circus artistes and workers, working conditions, health and safety at work**

In general, the core of a circus business consists of one or more families and Finland is not an exception. For example, Circus Finlandia is a family business that altogether employs about 45 workers. However, Leena Jurvakainen points out that Circus Finlandia also hires artistes who do not belong to a circus family, as well as employees from different nationalities. Some of them come from outside the European Union, in particular from former post-communist countries. Employment is normally seasonal and temporary.

According to the Directorate of Immigration in Finland, the residence and working permits of circus artistes are administered in the same way as other professions. The waiting period normally lasts 2-3 months and permits are accorded for the time between 1.4. - 30.11. Leena Jurvakainen affirms that there have not been any significant problems obtaining permits for foreign workers in circuses<sup>190</sup>.

Circus artistes are covered by general national social security schemes. 93% of the respondents to Merja Heikkinen's study said that they belong to an artistes association, most of them to the Finnish Artists Association, which is the Finnish entertainers' union. The purpose of the association is to preserve traditions, develop the skills of artistes, and improve their job opportunities. In addition, the association aims to watch over the issues concerning the pension and fiscal matters of artistes<sup>191</sup>.

According to the European Agency for Health and Safety at Work, there are no special provisions for the performing arts, including circuses, in the Finnish Statutes. However, there are guidelines which have to be enforced, such as general noise control, safeguards for the prevention of accidents, animal welfare and public safety.

In principle, Finnish OSH provisions cover the workers. Visitors' safety is covered by public safety regulations, by seating and operational permits, and by (communal) health inspectors' visits.

No major problems have yet been encountered by OSH inspectors. The relevant registry of inspection does not offer information on major problems.

Finnish OSH regulations do not contain a priori guidelines making it impossible for non-Finnish or non-EU circuses to perform in the country. Laws concerning animal species and their public display, contract laws, visa regulations and work permit practices may tacitly limit the access of some foreign circuses.

## **6. Education of the children of circus families**

This has not appeared to be as much of a problem as in many other European countries, since in Finland there is no national circus and only three touring circus troupes. The travelling season lasts 7-8 months.

At the moment, there are no children of school age in Circus Finlandia, but during the years 1980-86 the circus hired a travelling teacher to teach the children. For this, Circus Finlandia

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<sup>189</sup> Ibid. See footnote No 48.

<sup>190</sup> The Directorate of Immigration, functionary Leena Heinonen.

<sup>191</sup> Speech given by Katja Engblom, Secretary of the Finnish Artist Association.

did not receive any financial aid from the state. During the winter, children attended a normal school.

According to the Ministry of Education, the compulsory education normally takes place in the commune where the breadwinner and the child are living. It is the responsibility of the breadwinner to make sure that the compulsory education is completed. In Finland, compulsory education does not necessarily mean obligatory presence at school, since students may also achieve comparable knowledge in other situations, one of these being the home<sup>192</sup>.

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<sup>192</sup> Speech given by Katja Engblom, Secretary of the Finnish Artist Association.

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## Sweden<sup>193</sup>

### 1. Introduction and historical overview

The first 'modern' circus to perform in Sweden was headed by the English trick-rider Peter Price. King Gustav III gave his permission and the ensemble held its opening show in Stockholm on the 18th of October 1787. The performance was very much in the spirit of the 'modern' circus: acts by acrobats, tight-rope dancers and jugglers were interspersed between the equestrian displays of Price. The audience was mesmerised and the famous Swedish poet Bellman even wrote a poem celebrating the Price family. The circus has had a place in Swedish cultural life ever since<sup>194</sup>.

Fifty years ago, there were about eight circuses touring the country; fifteen years later, that number had declined to about four: Scott, Scala and Lillebil Rhodin, which were touring circuses, as well as Cirkus Schumann which performed exclusively in the Lorensberg circus building in Gothenburg. There were several reasons for the decline of the circus at this time. Foremost among these was of course the dominance of television, but the circus also faced competition from other forms of entertainment such as *folkparker*, people's parks, which were enjoying a period of popularity.

In the mid-1970s, the number of circuses increased again to about five or six circuses, but because of financial difficulties, most of the new circuses lasted only a few years. From 1983 to 1987, the number of circuses increased yet again and most of the circuses that tour Sweden today originated during this period. One of the reasons why more circuses survived this time around was that many of the owners were experienced in running a company and so had more business know-how, but mainly it was due to a new way of selling tickets. Until 1983, circuses had relied entirely on newspaper ads and billposting to attract an audience. But Bo Rönnerberg (Cirkus Skratt) came up with a new method whereby entire shows would be sold to private companies, newspapers and political organisations. Almost all circuses adopted this way of selling tickets, and today most circuses operate with a combination of subscribed shows and shows that are open to the general public, where tickets are sold from a ticket booth or over the internet. In this way, Swedish circuses have been able to survive in the last few decades.

### The present situation

There are about twenty circuses operating in Sweden today. Circuses can be divided into five categories: large traditional circuses, such as Cirkus Scott, Brazil Jack, Maximum, Skratt, Olympia and Wiktoria; small traditional circuses, such as Harlekin, Hellas, Cirkus Madigan and Europa; new circuses, like Cirkus Cirkör and Gycklargruppen Vazir; circuses that are stationary and give performances in parks, such as Cirkus Trollehatt and Ölands Parkcirkus; youth circuses, like Furuviiks Ungdomscirkus, Östersunds Ungdomscirkus and Norsholms Ungdomscirkus; and finally circus festivals, such as CirkusPrinsessan, Norrköpings Youth Circus Festival and Circo Massimo.

<sup>193</sup> Written by Sachiko My Muto, trainee at the Directorate General for Research, European Parliament, November 2002. Much of the information for this chapter was kindly provided by Johan Vinberg of Cirkusakademien, Stockholm, Sweden.

<sup>194</sup> <http://www.bronett.se/nyheter/skrivelse.html>.

Sweden does not have what in the rest of Europe is referred to as a 'family circus', that is to say a circus in which the owner family to a large extent is responsible for the performance as well as doing much of the work off the stage, such as electricity and repair work, raising the tent, etc. Contracted artists, if there are any, have to work under the same conditions as the family members. This kind of circus, most often from Germany, does on occasion tour Sweden, although this is not too common. There are, however, Swedish circuses that are owned by a family and where family members have different areas of responsibility, but who do not in any way dominate either the performance or the technical running of the circus.

The main differences between running a circus today and 50 years ago is that at that time:

- it was possible to have performances in town centres at a relatively low cost of renting the site
- it was possible to post bills in public places
- it was relatively easy to get permission to arrange circus parades through town centres
- each and every local fire chief could order the presence of the fire department at a circus performance and an accompanying pre-inspection, all of which the circus had pay for
- each local police chief could order police monitoring of the performance, as a circus according to the law was a 'public gathering', on the same level as amusement parks - the cost of police presence had to be covered by the circus
- it was necessary to apply for permission to perform from the local police authorities in every town, at a charge
- circuses were obliged to pay *nöjesskatt*, amusement tax (20-30%)
- *bevillningsskatt*, artiste tax, was payable at 30%
- the circus travelled using the railway network which was more extensive at that time.

Fifty years ago, municipal and town administration was at a minimum. There was seldom any plan or policy regarding the circus in particular or culture in general. The result was that circuses were often at the mercy of the individual civil servant's decision-making, which could be of an arbitrary nature. As civil servants, police and fire chiefs had no directives to follow, they could at times take decisions that made circus existence difficult. But since the beginning of the 1970s and the Swedish municipal reform this type of problem has gradually disappeared.

## **2. The economic situation**

Circus performances, as other cultural performances, are subject to a reduced VAT at 6% (*kulturmoms*) compared to the normal rate of 25%<sup>195</sup>. The lower VAT is applicable also to all articles and services necessary for the performance, such as light and sound equipment.

Apart from Cirkus Cirkör, none of the Swedish circuses receive government funding. Nor are government grants sought by circuses. Circuses do, however, want to see a reduction in certain fees and taxes, such as the weight duty on vehicles. Circus owners argue that existing regulations are unfair to circuses, as they assume that vehicles travel long distances whereas circus vehicles may travel only a few kilometres per day. Other concerns for circuses are the increasing costs relating to electricity and garbage disposal. The reason for rising costs is the recent move to making municipal services operate more like commercial enterprises.

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<sup>195</sup> <http://www.rsv.se/broschyer/562/56201.html>.

The factor that is affecting circuses the most is that it is becoming increasingly difficult for Swedish circuses to give performances in town centres. It has become more expensive to rent sites on municipal land (where electricity and water can be easily accessed). Again, this is often because the municipal authorities have decided to charge 'market' rents or because the maintenance of the land has been contracted out to private companies. In the long term this development could force circuses out of town centres, to suburban centres or to private, out-of-the-way spots where there is neither access by public transportation or places to park cars.

It has also become increasingly difficult to post bills in Swedish municipalities. The importance of the poster to the circus cannot be overstated. According to a two-year study carried out in 1999 and 2000, the poster is the most important carrier of information with 78% or respondents mentioning the circus poster as the stimuli for purchasing a ticket to the circus<sup>196</sup>. If a municipality with a population of 50 000 allows for only five bills to be posted in designated spots, this will arguably not be enough for the circus to reach its audience with information regarding time and location of performances. It can be understood that it is undesirable to have town centres littered with the bills of local businesses and that there is perhaps a fear on behalf of the authorities to be seen to be giving circuses special treatment. It should be understood, however, that a circus spends only a short time in each town and that the bill may be posted for ten to fourteen days maximum before it is taken down in order to be put up in the next town. A local business on the other hand would want to keep bills posted year round. As Swedish circuses visit more than a hundred towns per season, marketing in other media such as television, newspapers and radio, would be economically unsustainable.

When it comes to economic conditions, it is important to make a distinction between 'traditional' circuses and 'new' circus, such as Cirkus Cirkör, where the latter is completely dependent on the support it receives from *Statens Kulturråd*, the Swedish National Council for Cultural Affairs, and other agencies that offer grants to cultural establishments. Public interest in new circus has increased rapidly in Sweden, and with interest has come state support. The situation for new circus in Sweden is now very good with Cirkus Cirkör reporting a very close and beneficial relationship with the Botkyrka municipality. The main difficulty facing Cirkör is the lack of opportunity to tour internationally. There are almost no grants available for tours or projects abroad, the same is true, however, for other performing arts.

### 3. Training provisions for performers

There are three schools in Sweden offering circus training in the form of a circus high-school (*gymnasium*) programme. Those located in Gävle and Botkyrka are three-year programmes, and the one in Stockholm is two years in length. There is also a two-year post-secondary programme run by Cirkus Cirkör and Botkyrka municipality called *Cirkuspiloterna* (the Circus Pilots). This programme attracts students from the three Swedish *gymnasium* as well as students from the rest of Europe, the US, Canada and Russia.

None of these programmes claim to produce 'finished' performers. The main aim is to prepare students for the circus schools in Moscow, Paris, Chalons-de-Champagne and Verona. It is at these establishments that one can become truly qualified as a performer.

Critics of the circus high school programmes argue that young people are being educated in a profession where the chances of employment are slim. On the other hand, it has been pointed out that the total number of students enrolled in Swedish secondary and post-secondary circus programmes is only around forty to fifty. This figure should be compared to the enormous

<sup>196</sup> <http://www.bronett.se/nyheter/skrivelse.html>.

variety of schools dedicated to music, theatre and dance, which attract about a thousand students yearly. Graduates from the circus programmes arguably have greater chances to make use of their training, working for example, as gym teachers and physiotherapists. Not all students at the circus-oriented secondary schools go on to post-secondary circus programmes, the circus *gymnasium* gives them the prerequisites to apply to other forms of post-secondary education.

For the last five to six years it has also been popular with study circles, youth and leisure organisations to invite performers from Russia, Belarus, Latvia and Ukraine to hold two to three-week intensive courses. The interest for circus-related disciplines has increased dramatically among children and youth over the last ten years.

There is now a new generation of circus performers in Sweden numbering about twenty. Approximately fifteen of these started out in the secondary schools in Gävle and Botkyrka. In addition, there are a few artistes who have not attended a circus school but have managed to establish a career for themselves on the strength of their own will and training ability.

To these twenty or so professional performers we can add around a hundred children, youths and adults who, either through their school or on their own, perform at trade shows, shopping malls, festival days, and private parties while maintaining a 'regular' job during the work week. These people are referred to semi-professionals (formerly referred to as weekend performers).

The permanent and temporary staff of the new circus, Cirkus Cirkör, is not included in these numbers. This is not to lessen the value of their work, but because they work more like actors and musicians in an ensemble. In the new circus, the distinction between circus performers and performers in other arts have been blurred. A traditional circus performer has a rehearsed act which after a little rehearsal with music and light can be incorporated into a show. A new circus performer on the other hand rehearses with an entire ensemble for several weeks before opening and like an actor works with a director, scenographer, etc.

#### **4. Applicable legislation**

Permission for setting up a circus tent and for giving performances has to be applied for at the local police authorities. Permission is also needed for posting bills.

In 1980, the Swedish National Council for Cultural Affairs commissioned a study on the situation of the circus. The findings of that study have resulted in the reform of various legislation relating to the circus, most importantly giving circuses equal status to that of other performing arts.

The right to arrange circus performances is regulated in the *Ordningslag* (1993:1617) (Public Order Act) Swedish law distinguishes between '*allmänna sammankomster*' (public assembly) and '*offentlig tillställning*' (public gathering), where the former has a stronger protection under the law referring back to the principle of freedom of assembly, which is protected in the constitution<sup>197</sup>. Sporting events, dances, amusement parks, and fairs fall under public gathering, whereas the circus is now given the same status as theatre, opera, ballet and film.

The Public Order Act also regulates safety measures for tents. Tents for more than 150 people must be inspected and approved. In addition: inspection of fire prevention arrangements have to be carried out every year; inspection of electrical installations are required once a year;

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<sup>197</sup> For the Instrument of Government, see <http://www.riksdagen.se/english/work/fundamental/government/-index.htm>.

permission for selling food, even candy, has to be sought every year from the *Hälsovårdsnämnd*, county health care committee.

Dealing with the issue of fire safety has in recent years become more straight forward. Today, circuses forward a plan of the tent showing the proposed seating arrangements to *Räddningsverket*, The Swedish Rescue Services Agency, in Karlstad. A safety inspection is carried out by an accredited company, such as DNV-Norsk Veritas, ÅF or Statens provningsinstitut. The Swedish Rescue Services Agency then issues a license which is valid for three to five years (depending on how old the tent cloth is) in which the number of seats, emergency exits etc. are also specified. Circuses now also have the right to have their own staff carry out the role of fire guards during performances, and the Swedish Rescue Services Agency runs frequent courses in Karlstad for this purpose. It is then up to the municipal fire authorities to make sure that these provisions are adhered to by carrying out spot checks. The local fire authorities have the right to order extra monitoring during performances, but this cannot be done at the expense of the circus.

The Animal Protection Ordinance, *Djurskyddsförordningen* (1988:539), outlines a general prohibition against touring and performing with certain animals, including monkeys, all predators with the exception of domesticated dogs and cats, pinnipeds (with the exception of sea lions), rhinoceroses, hippopotamuses, deer, giraffes, kangaroos, birds of prey and crocodiles. The responsible authority, the Swedish Board of Agriculture, has in cooperation with Swedish circus owners decided on specific provisions for the welfare of animals travelling with the circus.

Non-resident artistes must have a work permit for Sweden. Special regulations apply to performing artists, including circus artistes. There is also a special income tax at 15% for non-residential artistes.

## **5. School education for children of artistes**

No special regulations exist. Swedish artistes and circus owners have arranged so that their children either:

- attend regular school during the school year, staying with friends or relatives, and join their parents on tour during the summer vacation;
- hire a school teacher who travels with the circus;
- receive schooling by their parents while on tour.

There are concerns that children travelling with, for example, German and French family circuses are not receiving proper education. Illiteracy is quite widespread in these circuses. In the family circus, the family is put first and parents do not always approve of sending the children away to school. As there are no such Swedish family circuses, this has not been a problem with the domestically owned circuses.



## United Kingdom<sup>198</sup>

### 1. History and status of circus

The modern circus in the United Kingdom (UK) dates from the eighteenth century, when Philip Astley, who after serving in the army as a rider, decided to open a riding school in London where he could put on shows of acrobatic riding skill. In 1768, he opened the first circus ring. Twelve years later, a very successful Astley moved to Paris and began touring. Over the next 50 years, others followed Astley's example and circuses sprang up all over Europe. It was a popular form of entertainment for over a hundred years, until as recently as the 1950s, although it did not enjoy the success in the UK that it had in other European countries.

During the 1960s, audiences for these traditional shows began to decrease. Alternative forms of entertainment, such as television, contributed to the fall in attendance. The declining popularity of circuses during this period saw many British circus companies go out of business. Despite the fact that the circus was invented in the UK, it has never been seen on a par with other forms of art. Historically, the circus has been regarded as entertainment rather than art in the UK. The reasons for this perception include the perceived low class based nature of the circus, animal rights issues, cultural distrust of nomadic life, lack of artistic quality and the emphasis on commercial income (Felicity Hall, 2002).

A. The Association of Circus Proprietors states that most forms of entertainment in the UK have periods of popularity followed by periods when that entertainment loses its appeal. Circuses were extremely popular in the late 1940s and early 1950s but lost much of their attraction with the widespread advent of television. A similar loss of business was experienced by the variety theatres in the UK most of which closed down. Circuses regained their popularity in the 1970s only to be followed by another drop in support from the public. However in the UK in the last ten or fifteen years there has been increased support for live entertainment and circuses regained some but not all of their previous popularity. The demand for concerts and theatre, particularly musical theatre, has increased at a faster rate and the reasons for this may be that:

1. There is a certain degree of cultural snobbery in the UK and circus, unlike its European counterparts, it is not generally considered to be an art form.
2. Circus has allowed itself to become regarded as an entertainment suitable for children or at the best family audiences. The recent tours by the Moscow State Circus and the Chinese State Circus have shown that there is an adult audience for the circus which have taken positive steps to improve the standard of their programmes by inclusion of production numbers and a live band have noted a steady increase in business.
3. The political pressure to ban performing animals from circuses does not have the support of the general public who believes that these animals are an essential part of circus. In the absence of animals in the public, particularly families, are less likely to visit a circus.
4. Local authorities in the UK which control the majority of circus sites have effectively banned performing animals by refusing to provide sites for animal circuses. This had

<sup>198</sup> Written by Raquel Santos Pérez, trainee at the Directorate General for Research, European Parliament, May 2002. Information regarding Scotland is written by Angela Saunders, Scottish Executive, Education Department, November 2002. Unfortunately it was not possible to obtain similar information regarding Wales and Northern Ireland.

led the remaining animal circuses to use privately owned sites which are often in secondary positions whilst at the same time they have been unable to find any private sites in the major cities.

5. The circus sites provided by local authorities are often inadequate and without hardstanding. The British public expects a certain level of comfort, as can be found in a theatre, and are unhappy to have to walk through a muddy field to get into a circus tent.
6. British circuses have often failed to provide new and exciting programmes and have been content to tour with essentially the same programme over several years. Visiting foreign circuses and the demonstration of circus skills outside of traditional circuses have only recently served to increase the public's awareness of circus being an exciting form of entertainment.
7. In the last thirty years there has been a failure by many long standing British circus families to train their own children in circus skills with the result that there has been a fall in traditional circus talent but this has been offset in part by the students coming out of circus schools. This failure to achieve skill levels as a performer has often been balanced by the learning of non-performing skills such as welding, electrics, etc.

There is a substantial growing demand in the UK for circus in both its traditional and modern form and the circus industry now needs the support and encouragement to meet that demand.

According to Felicity Hall, the lack of influence of the circus within the cultural life of the UK manifests in the following tangible ways:

- Audience preconceptions about the form and the quality of circus arts and lack of awareness of the changes in the art form.
- Lack of knowledge within the programming sector.
- Inconsistency of understanding and knowledge of local authorities.
- The availability of work abroad.
- Lack of information for children and young people.
- Lack of experimentation and artistic development together, with too many low quality presentations.
- Limited professional development training opportunities.
- Lack of space.
- Lack of administrative resources and organisational infrastructure.

Nevertheless, there are a number of reasons, according to Felicity Hall, to feel optimistic about the circus in the UK:

- The increased acknowledgement by local authorities of the potential of the circus as a driving force for inclusion, access and regeneration.
- The increased demand for circus over the last ten years.
- The increased audience interest, exemplified by *Cirque Du Soleil's* success in England.
- The continuing interest in circus from practitioners of other art forms.

Since the late 1970s, developments in the circus arts overseas have rekindled interest in the circus in the UK. Agencies have been launched to promote circus performance, training schools have been founded to develop performers' skills, and attendance at shows appears to have grown.



Experts in the sector feel “there is an urgent need for some serious research into circus in the UK” (Dorothy Max Prior, Circus Arts Forum)<sup>199</sup>. In 2001, the Jermyn consultation report “Street Arts and Circus: a snapshot” by the Arts Council of England was a first attempt to research about the circus. In October 2001, for the first time, a *Circus Open Forum* was held, where members of circus companies in the UK and training organisations discussed various issues, such as the circus as an art form, touring circuses, training, professional development and community and youth circus.

“It is very hard to estimate how many circuses there are in the UK” as the “circus covers such an enormous range of activities from one-person acts to shows with 200 employees” (Dorothy Max Prior, Circus Arts Forum)<sup>200</sup>. The term “circus” covers many categories in the UK: touring tented circuses, mostly commercial; non-tented circuses or “Circus Elsewhere” (as named by the Circus Arts Forum), which includes solo or group acts performed outside the traditional touring tent (festivals, built venues, cabaret, street festivals, corporate events, etc); community, youth and social circus which is run by professionals who focus on educational, outreach community work (i.e. Belfast Community Circus, which is highly subsidised and experienced as a cross community activity, and also has a Central Circus School); circus schools and training centres, some of which may have connections to community circus and/or professional productions<sup>201</sup>. The estimated number of circuses in the UK ranges from 40 to 50. According to *The Circus Friends Association of Great Britain*, there are currently 45 circuses in the UK, “which have functioned for ‘a season’ on a commercial basis”, not including, for example, a circus school that gives occasional performances. This number includes 22 tenting circuses, 9 resident circuses, 7 winter circuses, 3 corporate circuses and 4 gala circuses<sup>202</sup>.

Many companies, which responded to the Jermyn’s consultation in 2001 were small, with non-formalised operations or VAT registration. The *Association of Circus Proprietors of Great Britain* represents the circus industry in the UK and is the consultative body of departments of the UK Government on any matter which affects circuses. It is a registered XX Association and includes most of the major circuses operating in the UK. XXX. In 1999, the *Circus Arts Forum* was set up by a working group of people with a professional involvement in circus with the aims to raise the profile of circus as a cultural activity, to promote training and sharing of skills, to ensure that circus is a viable industry offering secure and worthwhile employment and to provide a forum between the different facets of the industry<sup>203</sup>.

## 2. Legislation for circus enterprises

Legislation affects the circus industry in terms of health and safety, vehicles, insurance, VAT, advertisement, fire precautions and animal welfare.

<sup>199</sup> Dorothy Max Prior from the Circus Arts Forum: Reply to question on number of circuses in the UK, 22.5.2002.

<sup>200</sup> Ibid.

<sup>201</sup> Information given by Dorothy Max Prior, 22.5.2002.

<sup>202</sup> Information received in June 2002 by: Circus Friends Association of Great Britain, ([www.circusfriends.co.uk](http://www.circusfriends.co.uk)), Alan Coates, Relations and Information Team, ([alan@lifeopportunities.co.uk](mailto:alan@lifeopportunities.co.uk)).

<sup>203</sup> Dorothy Max Prior: *Report Circus Open Forum*, 23.10.2001.

## A. Health and safety<sup>204</sup>

Circuses are a business which provide a place of work where there is physical activity and also, at other times, invite the public onto its premises. Like all business, circuses are subject to extensive health and safety requirements through the preparation of Policy Statements, Risk Assessments and then compliance with the various regulations. The modern British circus proprietor appreciates the importance of health and safety and understands that all businesses are subject to these requirements. The difficulties which circuses face arise from the inspections. The fairground industry is inspected by the National Health and Safety Executive, but illogically, circuses are inspected by the local authority where the circus is situated each week. This leads to problems of inconsistency in requirements of the inspector, anomalies in the interpretation of the Health and Safety legislation as it is applied to circuses and a lack of experience of circuses in the inspectors.

The association of Circus Proprietors of Great Britain feels that there is need for a closer working relationship with the inspectors, ideally through a joint working group and supported by a local authority for each circus which acts as its lead body in approving its equipment and working practices for health and safety purposes.

The responsibility for compliance with Fire Precaution requirements is with the local authority who is presently advised by the fire officer. This responsibility is due to pass to the local fire officer but in the meantime the inspection, which covers such matters as emergency exits, the fire retardancy of tents and the travel distance from the seats to the exit are dealt with as part of the present Health and Safety inspection. In 1990 the Home Office published *the Guide to Fire Precautions in Existing Places of Entertainment and Like Premises* which includes a chapter setting out the requirements for circuses. It was the Home Office in preparing the guidance and as a result that chapter was withdrawn by a HELA circular. The present guidance issued to inspectors is that they take a reasonable and practical view based on the situation on each circus site.

A central system would be of great benefit. Perhaps it could involve an annual inspection of the circus and its physical equipment. The circus owner would then be obliged to take formal responsibility for the maintenance and safe usage of the equipment. This type of system is already applied to some things circuses deal with (such as lifting gear for the Big Top), but not to the whole operation.

There are no specific regulations on circuses but they are covered by the full range of health and safety provisions applicable to all other workplaces throughout Britain. Visitors are covered by the same provisions as the general health and safety legislation.

## B. Vehicles<sup>205</sup>

The circus business depends on being able to move the circus easily and efficiently. But in most cases the same rules apply to circus vehicles as do to commercial hauliers. Such a haulier's vehicle may cover several thousand miles each week; a circus vehicle may cover a hundred miles per week, hence there is a vast difference between the two. Special rules should apply to circus vehicles to allow for this vast difference, and also to the cost of fuel for the circuses.

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<sup>204</sup> Association of Circus Proprietors of Great Britain 2003. Written in English by its secretary Malcom Clay (malcomclay@talk21.com).

<sup>205</sup> Ibid.

### C. Insurance<sup>206</sup>

The Insurance record of circuses in general is good. Such good behaviour should be enforced on individual Insurance companies who often abuse the circus industry with high premiums or even by refusal to insure them. It should be compulsory for Insurance companies to offer reasonably-priced Insurance cover to those whose way of life cannot continue without it.

### D. Advertisement<sup>207</sup>

Under the Town and Country Planning Act 1990 and The Town and Country Planning (Control of Advertisements) Regulations 1992, consent is granted for advertisements relating to the visit of travelling circuses to any specified place provided that some conditions and limitations are satisfied, including the size of the advertisement, the length of time it is displayed and notification to the local planning authority.

### E. Fire precautions<sup>208</sup>

Regarding fire regulations on circuses, in April 1990, the enforcement responsibility for circuses under health and safety legislation was reallocated to local authorities, with the exemption of a small number of circuses operating within fairgrounds that remain the responsibility of the Health and Safety Executive. A Home Office publication from 1990 *The Guide to Fire Precautions in Existing Places of Entertainment and Like Premises*, included a section on circuses. Some enforcing authorities, however, are having difficulties interpreting the guidance and it is suggested that an overall risk assessment is made.

### F. Performing animals<sup>209</sup>

Regarding legislation on the use of animals in circuses, the only current legislation is the *Performing Animals (Regulation) Act* of 1925, which is purely a registration formality and does not lay down standards of animal welfare, public safety, or disease control. *Animal Defenders* objects to the exemptions for the circus business from important animal legislation, which guarantees animals health, safety and welfare such as the *Zoo Licensing Act 1981*, the *Dangerous Wild Animals Act 1976* and the *Convention on International Trade in Endangered Species*. It recommends therefore, that this legislation should apply to circuses too. In addition, the Association of Circus Proprietors is currently working with government agencies to set up guidelines for animal welfare in UK circuses.

Surprisingly there is no specific legislation in the UK which relates to the keeping, training or transporting of circus animals. The only piece of specific legislation is the Performing Animals (Regulation) Act of 1925 which licenses the trainer but not animal. This act does not lay down any qualification for obtaining a license, i.e. it is merely obtained on payment of a fee, and does not lay down any standards of animal welfare. Circus animals are covered by the Protection of Animals Act 1911 which is general animal welfare legislation covering also domestic and farm animals. The Association of Circus Proprietors considers the present position to be unsatisfactory and calls for specific licensing which would be by reference to each animal and would include as system of inspection by suitably qualified veterinarians. The Association feels

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

that while there are those people who are opposed to performing animals, and many of them have sincerely held views, and while there are people who enthusiastically visit circuses, there is a larger middle ground which does not visit a circus but which is not opposed to performing animals in principle believing that the public should be allowed to decide for themselves on the issue, but considers that there should be parliamentary control through the laying down of appropriate welfare standards. Animal Defenders objects to the exemptions for the circus business from important animal legislation, which guarantees animals health, safety and welfare such as the Zoo Licensing Act of 1981, the Dangerous Wild Animals Act of 1976 and the Convention on International Trade in Endangered Species. It recommends therefore, that this legislation should apply to circuses too but The Association of Circus Proprietors would like to point out that such legislation is not appropriate to the way in which circus animals are kept and would be very difficult to comply with but has recently produced a guideline document *Standards for the Care and Welfare of Circus Animals on Tour*, with the assistance and encouragement of the Government Department DEFRA. It sets out to show to local authorities that satisfactory standards of animal welfare can be sustained in a travelling environment with a view to encouraging them to provide sites for circuses with animals and has been circulated to all local authorities by DEFRA.

The Association of Circus Proprietors points out that: “traditionally the animal welfare organisations have based their opposition by claiming that the training of circus animals could only be achieved by physical abuse. Although the circus industry was slow to counteract this argument it eventually won by a combination of demonstrations of the techniques of animal training and a lack of evidence from the animal rights campaign. As a result the animal rights organisations then campaigned on the basis that it was morally wrong to transport an animal, or indeed for it to perform. These views found favour with many of the local authority politicians who adopted a policy of not allowing circuses to use council owned sites. This in turn led the animal circuses to move to private sites e.g. farmer’s fields, private sports grounds, etc. In our view this is a retrograde step as long as there is an absence of adequate welfare legislation for circus animals. When the local authority is the landlord of the site it could, in this site agreement, provide for inspection by suitably qualified veterinary officers and particularly lay down its own standard of animal welfare, e.g. exercise areas, etc. It is felt that local authorities should accept responsibility for what goes on within their area and control animal circuses by providing them with a site. Merely moving circuses onto private sites where they operate free from control or adequate inspection is not the answer. The owners of private sites are generally only interested in the tent. Performing animals remain an intrinsic part of the appeal of the circus and the audience wants to see happy well cared for animals willing performing routines which are an extension of their natural ability”.

### **Scotland<sup>210</sup>**

As in England, the existing law relating to circus animals in Scotland is principally the Performing Animals (Regulations) Act 1925. In addition, the welfare of circus animals is governed by the Protection of Animals (Scotland) Act 1912. The 1912 Act makes it an offence to ill treat or cause unnecessary suffering to domestic or captive animals at any time.

As registration under the 1925 Act applies to the trainer and not the performance, a circus is also likely to need a public entertainment licence for the place where the circus will perform, if the local authority has so resolved (in terms of section 9 of the Civic Government (Scotland) Act 1982). Under this Act, the licensing authority may attach a number of conditions to a public entertainment licence including restricting the use of the premises to a

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<sup>210</sup> Written by Angela Saunders, Scottish Executive, Education Department, November 2002.

specified or specified kinds of entertainment; limiting the number of persons to be admitted; and fixing the days and times when the premises may be open. A licensing authority may order the suspension of a licence, if its view is that the holder of the licence is not fit to hold the licence, a condition of the licence has been contravened, or the carrying on of the activity is causing or is likely to cause undue public nuisance or a threat to public safety.

### **3. Financial support to circus (by the state, regional, local, by tax deductions or other measures)**

It was only in the late 1990s that strategic intervention in the funding of circus as an art form began, particularly with the support of circus conferences in 1997 and 1998, and the creation of the Circus Arts Forum. New possibilities are opening up for circus companies and performers to get funding to create or tour from a number of different public funding bodies and charitable trusts at national, regional and local levels. Traditional touring tented circus, as commercial companies, receive no funding although some of them receive some funding for some aspects of their work, especially educational. (Dorothy Max Prior, Circus Arts Forum). The Arts Council of England, within the Department for Culture, Media and Sport, has had an officer for circus, street arts and carnival within the drama department since 2001. However, some feel that the circus differs substantially from other artforms and cannot merely be considered a subdivision of the theatre. (Matt Costain, artistic director of The Generating Company's Storm<sup>211</sup>).

At the Jermyn's consultation in 2001<sup>212</sup>, public funding accounted for only 7% of respondents' income. Application for funding was felt to be a very difficult process and that this should be improved, for example by clearly identifiable contact points within the funding system, practical help and advice or simpler application forms. Respondents also made the following recommendations regarding funding:

- More support for traditional/classic circus.
- Support resource centres and the professional development of artists and companies.
- Increased levels of funding/investment in street arts and circus.
- Increased flexibility in the recipients of funding.
- Have specialist or dedicated staff within funding system and be clear about which departments or officers have responsibility for street arts and circus.
- Improve communication between artform departments and across the funding system.
- Support collaborative work with theatre and between new and traditional circus.

In its *Strategy and Report on Circus* of 2002, The Arts Council of England expressed its aim "to advocate widely for the value of circus within contemporary culture as an art form in its own rights". It recognised the greater need for access to development funds to create work and strengthen infrastructures, networking prospects and professional development opportunities. Problems were identified regarding public funding for circuses, the lack of consistency within the funding system, the low level of investment, regionally and nationally, in the circus, and the need for advocacy for circus. The strategies within the funding system for the following years include: offering a consistent commitment to circus and street arts as artforms at both policy and funding level, offering appropriate expertise, ensuring that

<sup>211</sup> Circus Open Forum, 23.10.2001.

<sup>212</sup> Helen Jermyn: *Street arts and circus: a snapshot*, 2002.

funding schemes offered address the difficulties experienced by practitioners applying to funding, and acting as advocate at regional and national level<sup>213</sup>.

Among the key priorities of the Arts Council, are: new work, experimentation and risk; new art forms and collaborative ways of working; diversity and social inclusion; children, young people and lifelong learning; and, touring and distribution.

The Arts Council funds projects from companies and individuals with a proven track record who fulfil the criteria. One of the ways that this body is supporting the circus is through the *National Touring Programme*, which was initially allocated £400,000 in 1999 and a further £825,000 for 2001 and 2002. Between 1995 and 2000, under the Arts Council lottery-funded *Capital Programme*, £521,705 was awarded to 10 circus projects and since November 1999, the Arts Council has supported five circus projects to a total of £323,500<sup>214</sup>. The Arts Council of England also offers grants of up to £5,000 to circuses to support national networks, conferences and debates in circus as well as in carnival and street arts. Currently, for a two year period, the Arts Council of England has provided £1 million to touring projects for Street Arts and Circus<sup>215</sup>. The Circus Arts Forum and national networks for street arts and circus “will be funded on a term basis by the Arts Council with annual grants of £22,000 each” and the Drama Department will manage a fund of £30,000 for project management and £10,000 for national conferences<sup>216</sup>.

In addition, there are a number of grants available from the National Lottery, which is distributed by the Regional Arts Boards by the Regional Arts Lottery Programme. There are ten Regional Arts Boards in England. Some have an arts officer for circuses and some do not, but each one has its own priorities and criteria for funding. Some Regional Boards have a number of grants available for research and development, production and support for artists.

There are separate Arts Councils for Wales, Scotland and Northern Ireland. The Arts Council of Wales supported two circus events in 2000/2001 as part of the Community Touring “Night Out” scheme and the additional amount of £2,297 to circus<sup>217</sup>. The Scottish Arts Council dedicated around £8,000 to circus between 1999 and 2000<sup>218</sup>. Finally, the Arts Council of Northern Ireland offered to grant aid of £52,500 for the years 2001 and 2002<sup>219</sup>.

Funding from Local Authorities is described as “discretionary” (Circus Arts Forum), which means that they are not obliged to support the arts and each local council will have its own system of grant funding.

At the 2001 *Circus Open Forum*, experts expressed their concerns about the low profile of the circus and the low level of funding received by the circus in this country. In particular, some of the points raised were: not enough funding of circus projects, the need for the Arts Council of England and the Regional Arts Boards to appoint circus officers separate from other departments and the need for a similar sort of support as is given in Canada to the *Cirque du Soleil*<sup>220</sup>. Charlie Holland from *The Circus Space* pointed out that in relationship to other

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<sup>213</sup> The Arts Council of England press release: *Arts Council publishes strategies and reports on Street Arts and Circus*, May 2002.

<sup>214</sup> Figures from *Strategy and Report on Circus* by Felicity Hall in January 2002.

<sup>215</sup> Information from the Arts Council of England, received on May 2001.

<sup>216</sup> The Arts Council of England press release: *Arts Council publishes strategies and reports on Street Arts and Circus*, May 2002.

<sup>217</sup> Arts Council of Wales: *Annual Report – The Figures, Celebrating Creativity*, 2000/2001

<sup>218</sup> Scottish Arts Council: *Annual Report and Accounts 1999/2000*.

<sup>219</sup> Arts Council of Northern Ireland: *Offers of Grant Aid by Priority*.

<sup>220</sup> Circus Arts Forum, 23.10.2001.

artforms, circus receives very little funding, as only £500K out of £1,000M is for circus projects<sup>221</sup>.

The Association of Circus Proprietors of Great Britain comments as follows:

Traditional British circus has failed to attract public funding, largely for two reasons:

- There is a culture in the UK that anything which is basically commercial should not be funded. This argument applies to other forms of popular entertainment e.g. pantomime, musical theatre, etc.
- Public funding should be limited to a very narrow definition of what is art i.e. opera, ballet and Shakespearean theatre. Circus has never previously fallen within that category.

At the same time traditional circus families have failed to understand the purpose of funding and have looked upon it as a possible means of subsidising the purpose of a new tent or equipment rather than being used to obtain a higher level of artistic achievement. The situation will now change because of the influx of circus performers from outside the traditional sources e.g. through the circus schools. There has been a significant change as a result of The Arts Council strategic document for 2002 which formally recognises the circus as an art form. The Arts Council has been prepared to fund new work i.e. productions under their touring programme but traditional circus has previously failed to take advantage of this opportunity. By contrast the non-traditional elements, both the circus schools and new circus, have been far more aware of what was available. It is now time for traditional circus to consider the funding of outside expertise in the way of production, lighting, consultants, sound designers, choreographers, etc. all of which could lead to an improved updated product.

The traditional circus is a combination of the circus proprietors who carry the financial risk and largely decide the artistic policy and many of the members of those families are also performers. They are supported by other performers from a traditional background. At the same time there is a large body of performers who have no managerial involvement but do have professional ambition but no support or facilities to advance their goal. Funding needs to be made available for facilities to train young circus artists from both the traditional and non-traditional background so that they can compete with the talent which is being produced by other members of the European community. This support must be channelled towards providing proper training and rehearsal facilities as well as advice at an artistic level which will enthuse and encourage those young artists.

Contemporary or new circus has been far more forthcoming in seeking public funding and to their credit they have awakened an interest in circus skills. The view that traditional circus should not be supported solely because it is traditional cannot be sustained. In all performing art forms there must be core of successful commercial enterprise which in turn creates the interest in the art form and provides for and justifies the experimental work on its periphery.

## **Taxation<sup>222</sup>**

Circus in Great Britain like other forms of live entertainment is subject to value added tax at the rate of 17.5% on its income. There is very little allowance to be put against this liability. An imposition on an art form of a tax of this size can only increase ticket prices which in the case of traditional circus are completely unsubsidised and is making the ticket price increasingly out of reach of the average family. Circus like pantomimes and children's

<sup>221</sup> The Association of Circus Proprietors, 2003.

<sup>222</sup> Ibid.

theatre is often a child's first experience of live entertainment and that enthusiasm must be nurtured.

A nil or reduced rate of VAT, as is available in other parts of the European community, would be of an immediate benefit to the circus industry and free capital for reinvestment in the industry.

#### **4. Vocational training of artists: schools, grants, state support and other measures**

For much of its history, the circus in the UK, as in the rest of Europe, has relied on the continuity of the family-run circuses to provide training and professional opportunities for future circus performers. However, at present we see the growing strength of circus training schools such as *The Circus Space*, *Circomedia*, *Skylight Circus Arts* or the *Academy of Circus Arts* (ACA). These are professional circus schools offering final qualifications. The Circus Space in London offers a 2-year degree course in conjunction with the Central School of Speech and Drama, a foundation course and a BA on *Theatre Practice - Circus course*. Circomedia in Bristol offers a 1-year foundation course and OCR diploma in *Circus Skills and Physical Theatre*. ACA offers an intensive 6 months touring course in the form of "a travelling circus classroom" and receives a grant from the National Lottery.

In addition, many Theatre Arts/Performance courses in universities and colleges of higher and further education include work in mime, clown, acrobatics and physical theatre<sup>223</sup>. Some of these courses receive support with tuition fees by the Department of Education and Skills and from different awards and bursaries, such as the annual *Jerwood Circus Awards* for the value of £10,000 and £5,000.

Continuing professional development is also taken into account by training organisations, such as The Circus Space that includes access to practice time and performance opportunities in the Circus Space Festival, and, Circomedia and Skylight Circus Arts - all of which offer full-time professional training to performers. There are also occasional residencies and professional development programmes organised to help improve skills and open up new possibilities at CircElaction, Carnival Caravan or Zap Productions. Some Arts Venues offer circus classes, workshops and summer schools of interest to professional or aspiring professional performers and there are also professional training courses, practice space and other opportunities offered by a number of Community Circus. However, at the Jermyn's survey, half of respondents indicated that access to professional development through training/education was inadequate<sup>224</sup>.

There are also many smaller amateur and semi-professional schools around Britain as well as small groups, a training space for young people and circus with community work, such as the Belfast Circus School. At the 2001 *Circus Open Forum*, some experts spoke of creating an integrated network of youth circuses that served their own local communities and fed into the professional training networks as "the future of British circus industry lies in the training provision given to children and young people" (Steve Ward, 2000)<sup>225</sup>. There are many youth groups in the UK, which provide circus skills training. However, these groups have little or no funding and much of their work is relatively unknown or recognised. The *National Association of Youth Circus* was formed in 1994 to provide a platform for the development of circus training for young people, for links and collaborations between youth circuses, and

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<sup>223</sup> Information from the Circus Arts Forum web site.

<sup>224</sup> The Association of Circus Proprietors, 2003.

<sup>225</sup> Referred in "The Advocate", *Circus Arts News*, Issue 3, winter 2000/2001.



information and training opportunities for young people. However, according to Felicity Hall, the organisation and the sector are generally under-resourced.

There are no formal qualifications for trainers at any level in circus. The only development known is the code of practice for youth trainers produced by the National Association of Youth Circus.

## Scotland<sup>226</sup>

Vocational training is generally provided in Scotland through the Skillseekers and Modern Apprenticeship programmes. These programmes require candidates to be "employed, or training, in circus jobs". Central to each of these training routes, is a Scottish Vocational Qualification (SVQ). There are a number of SVQs, which aim to build the skills and knowledge of people working in the "arts and entertainment" sector, for example:

- Delivering Artform Development Sessions,
- Visual Arts Practice,
- Administering Cultural Products,
- Cultural Venue Administration,
- Stagecraft.

## 5. Labour legislation, working conditions and social security

The population in circuses in England is estimated at 2,000. (OFSTED, 1996)<sup>227</sup> While British families own most of the circuses in the UK, the circus troupe as a whole may well drawn from a variety of international backgrounds.

Circuses in UK are characterised by high levels of casual and freelance employment. (Helen Jermyn, 2001). Over a third of companies responding to Jermyn's survey of 2001 employ no permanent staff at all, and just 47% employ between one and four permanent staff. Employment is also characterised by the seasonal nature of most types of circus work, particularly that performed outside in tents or festivals. Winter offers little opportunity for earned income apart from corporate work. According to Felicity Hall, the lack of sustained earned income throughout the year means that few companies are able to afford administrative support except at busy points of the year. This also means that if they wish to use the winter to planning and fundraising for their own artistic development, they are unlikely to be able to afford administrative support.

Circus performers and staff benefit from legislation governing minimum wages and working conditions (Chris Barltrop, June 2002). Anyone working with members of the public will need Public Liability Insurance. Personal insurance for circus performers is available but expensive. There are some insurance companies that specialise in entertainment insurance. Respondents to the Jermyn's report were commonly members of Equity and Total Theatre Network. Regarding circus technicians and riggers, there are currently no universally agreed guidelines or codes of practice in the UK. However, a number of groups and individuals are working to protect and improve safety standards and develop training programmes, such as: the *Rigging in Circus Standards and Training* (RICSAT), *Metier* that is a national training organisation for the arts and entertainment sector and *The Circus Space Professional Development Centre*, which sets up courses in rigging and technical training as well as health and safety and legal issues for circus performers. At the 2001 *Circus Open Forum*, one of the

<sup>226</sup> Written by Angela Saunders, Scottish Executive, Education Department, November 2002

<sup>227</sup> OFSTED (Office for Standards in Education): *The Education of Travelling Children*, April 1997.

points raised was the need for artists of more knowledge, help and support with practicalities such as health and safety, clear guidelines and technical specs<sup>228</sup>.

## 6. Pre-school, primary and secondary education for the children of circus workers<sup>229</sup>

The estimation of circus children of school age ranges from 139 (EFECOT, 2001)<sup>230</sup> to 158 (European Commission, 1996)<sup>231</sup>. According to a 2002 Circus Parents Association survey of 24 circuses in the UK, the number of travelling children was 55 (plus 3 winter based children): 37 primary children, 18 secondary children and 3 pre school children. 32 children were English<sup>232</sup>. Circus' children in the UK usually attend normal school during the winter months (November to February) and rely on distance learning materials provided by their teachers and/or assistance from education support services during the travelling season. The level of provision for children on road varies considerably from one school to another and between the different local educational authorities. (EFECOT, 1994)

It is Government policy that “all traveller children, including those of circus artists and workers, should be given the same opportunities as all others to benefit from what schools can offer them” (Dalip Chadha, 2002)<sup>233</sup>. The *Education Act 1996* empowers Local Education Authorities (LEAs) to ensure that education is available for all children of compulsory school age (5 to 16 years) residing, whether permanently or temporarily, in their area appropriate to their age, abilities and aptitudes and any special educational needs they may have. However, the Circus Parents Association still underlines that the plight of youngsters in secondary school age is not taken into sufficient account: to this respect, urgent solutions need to be found<sup>234</sup>.

### England

The *Education (Grants) (Travellers and displaced Persons) Regulations 1993* and its amending regulations<sup>235</sup> empower the Secretary of State to pay grants to LEAs in support of expenditure “for distance learning and outreach work with such children who are highly mobile, including circus and fairground children, for boarding education for such children and for mobile educational provision, including the schools which accompany circuses.” The grant mainly supports the provision of specialist peripatetic teachers, traveller-related educational resources, classrooms assistants, specialist education welfare officers, distance learning packs, support for mobile provision and staff training (Department for Education and Skills, 2001). In 2000-2001, the *Ethnic Minority and Traveller Achievement Grant* supported

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<sup>228</sup> The Association of Circus Proprietors, 2003.

<sup>229</sup> See Annex.

<sup>230</sup> EFECOT: *Survey Travelling communities and schooling provisions in Europe. Updating the information*, 2001, p. 9.

<sup>231</sup> European Commission: *School Provision for Children of Occupational Travellers. Report on the implementation of measures planned by the Council and the Ministers of Education 22 May 1989* (COM(96)494).

<sup>232</sup> The Circus Parents Association, 2002. Numbers reflect large and family circuses travelling, and not groups or individuals who entertain at galas, seasonal festivals, street circus or occasionally perform in circus arts.

<sup>233</sup> Reply to the European Parliament by Dalip Chadha from the School Inclusion and Wider Social Policy Team – School Inclusion Division from the Department for Education and Skills in the UK of 21 May 2002.

<sup>234</sup> The Circus Parents Association, 2003.

<sup>235</sup> The Education (Grants) (Travellers and Displaced Persons) (Amendment) Regulations 1995 and The Education (Education Standards) (Grants) (England) Regulations 1999.

expenditure of £162.5 million to secure improved access to education, more regular school attendance and higher levels of attainment for traveller children.

The *Education (Pupil Registration) Regulations 1995* and its amendment of 1997, allow dual registration of traveller children at the base school and at temporary schools. The Department for Education and Skills has also introduced two further developments: directories or contact booklets for parents and the “school record reference card” or *Green Card*, which facilitates swift transfer of educational records between schools and helps the teachers to ensure the continuity of the child’s education. The *Education Act 1996* recognised the special position of traveller families and allows absence whilst the child is travelling away on family business. This protects parents from prosecution for the non-attendance of their children at school although “it does not mean that part-time education for travelling children is legally acceptable” (OFSTED, 1996), nor does it relieve parents of their duties under the *1944 Education Act*, to ensure that children are receiving suitable education when not at school. The *National Association of Teachers of Travellers* (NATT) is currently lobbying for school based distance learning to be categorised as an approved educational activity off site. However, the Department for Education and Skills does not at the moment consider that present levels of supervision are adequate for this to be accepted.

The Department for Education and Skills also provides funding through the *Standards Fund* to support a network of Traveller Education Services, “which have an important role to play in providing training and advice to English schools with Traveller children” (Dalip Chapdha, 2002). Traveller Education Services aim to improve attendance and access to the curriculum and higher levels of achievement for traveller children, including their full integration with other children in mainstream education. It also provides training and advice for teachers and other education professionals, supplying information for schools about the traveller way of life and culture. Most Travelling Education Services have devoted effort to collecting and developing specialist resources to support in-service training with schools, curriculum development work and individual pupil learning support. Other types of provision that may be supported through these services include peripatetic teachers, additional teaching staff in schools to offer extra support in the classroom and additional, advisory teachers to work with schools and liaise with the families, the community and the Education Welfare Officers. The latter can also receive additional support to identify the whereabouts of traveller children and liaise between families and schools to secure admission and maintain attendance.

## Wales

In Wales, there is a similar support system for the school attendance of children from occupational travellers. The projects range from the acquirement of distance learning materials to special improvements for the school attendance on secondary education. As an example, the Traveller Education Service of Cardiff provides with peripatetic support teachers who visit the families of circuses visiting the city to discuss their educational needs and how they are to be met, for example, by helping to arrange a school place, by providing materials to support ongoing learning or, if necessary, supplying alongside school uniform and transport. (Traveller Education Service of County of Cardiff, 2002)<sup>236</sup>.

<sup>236</sup> Reply to the European Parliament by G S Axinowe, Co-ordinator of the Traveller Education Service of the County of Cardiff, 9.5.2002.

## **Scotland**<sup>237</sup>

Learning support provision in schools is at the discretion of the Education Authority and the school, and that generally, children can be assisted in class in their work by Classroom Assistants, which is again at the discretion of the local education authority. In 1991, the *Scottish Traveller Education Programme* (STEP) was established, recognising that "Travellers in Scotland do not fully participate in State education with the result that many suffer a degree of illiteracy and lack of qualifications which handicap their progress and survival in our modern society" (STEP Remit, 2002). Its task relates particularly to the information on the educational needs of the Travelling population towards an improvement of practice in the area. Since 1994, the guarantee of a school place for all is a right. This means that children can return after the travel season to their basis school again. In this period, the basis school prepares a learning package.

There is no indigenous Scottish based circus. Increasingly circuses do visit at the same periods of the year, e.g. during the summer months. These visits largely coincide with school closures. Some circus families do place their children in local schools, just before Christmas and in January. In the main area visited by circus families, the teacher for occupational travellers visits them each year and helps them access schools. The education authority also provides annual hand-held records for all travellers.

In Scotland, a mobile teaching facility is currently being set up. Generally children are expected to enrol at local schools. Where there are traveller teachers, they make contact with travelling circus families and are generally able to make a rapid response, usually relating to tutoring, provision of further education resources, record completion, and where possible direct contact with pupils' base schools.

### *Education legislation & Scottish Executive policy*

Education authorities have a duty under section 1 of the Education (Scotland) Act 1980 to secure adequate and efficient provision of school education for their area. Under the Standards in Scotland's Schools etc. Act 2000, where education authorities provide school education, that education has to be directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

Under the same legislation, every child of school age has a right to be provided with school education by an education authority. It remains however the duty of parents, under section 30 of the Education (Scotland) Act 1980, to ensure they provide appropriate education for every child of school age, either by sending them to school or by other means.

In December 2000, Scottish Ministers defined National Priorities for Education under the Standards in Scotland's Schools etc Act 2000. One of those priorities is to promote equality and help every pupil benefit from education, with particular regard paid to pupils with disabilities and special educational needs, and to Gaelic and other lesser used languages. The Act also puts a duty on education authorities to prepare and publish an *Annual Statement of Improvement Objectives*, which describes how they will, in providing school education, encourage equal opportunities and in particular observance of equal opportunity requirements. It is now for authorities to develop improvement objectives for their areas to take forward these priorities.

The Scottish Executive is committed to equality for all, and to raising the attainment levels of all our young people.

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<sup>237</sup> Written by Angela Saunders, Scottish Executive, Education Department, November 2002.

The Scottish Executive Education Department provides grant funding to STEP. STEP provides services to local, central government and other relevant bodies in support of policy development and the promotion of proactive practices to accommodate travellers diversity within a presumption of mainstream provision. STEP is a member of the National Association of Teachers of Travellers, and a member of the EFECOT board and has participated in several international projects focussed on occupational travellers, although not specifically on circus children.

The Scottish Executive Education Department has commissioned STEP to produce guidance to local authorities and schools on inclusive education approaches for travellers within the context of interrupted learning.

The Scottish Executive is also encouraging schools to adopt flexible and innovative approaches to curriculum design and delivery which will provide an education which meets the needs and wishes of all pupils.

## Northern Ireland

Liaison teachers are made available for travelling groups.

In addition, since 1980, NATT has been working to develop networks across UK local education authorities and improve continuity and the quality of support for the education of travelling children. There is also a *Circus Parents Association*, established in 1998.

At the Office for Standards in Education (OFSTED) Report of 1996<sup>238</sup>, the main findings were that a considerable progress had been made: access to primary education was significantly more secure and that the participation in pre-school level was slowly improving. However, access to secondary education remained a matter of grave concern and the number of travelling young people accessing to post school vocational training and further and higher education was “worryingly small”. The attendance at school was slowly improving although the average figures were still “unacceptably low”. The report concluded that the improvements made should not lessen to continue to address the significant levels of unmet needs and relatively poor achievements in access and attendance, particularly at secondary school and, therefore, “there is clearly still a great deal to be achieved” (OFSTED, 1996).

## 7. Current debates and future plans in the member states concerning circus

### *Performing animals*

To talk about debate on circus in the UK is to talk about the debate on the use of animals in circuses. During 1997, 23 circuses toured the UK with a total of 305 performing animals and 10 were animal-free. (Animal Defenders, 1998)

In the 1980s, a movement that rejected the use of animals in circus emerged. The main arguments against the use of animals refer to “the lack of educational value in seeing wild animals in unnatural environment” (Circus Watch). In addition, the travelling patterns of circuses and animals spending almost their entire lives on the road, their confinement in reduced cages and restriction of their movements for around 90% of the time and the evidence of abnormal behaviour, stress and suffering of these animals. Training is also strongly criticised due to its secrecy and the coming to light of cases of brutal training. In this sense, *Animal Defenders* will argue:

<sup>238</sup> OFSTED: *The Education of Travelling Children. A survey of educational provision for Travelling children*, April 1996.

“The animal circus today only serves a grim reminder of what was once considered to be acceptable entertainment. (...) The circus represent an era when little was understood about the needs of other species, but today, we know better. (...)

Circus animals are confined to small spaces, chained, and restricted in every area of their lives. They are unable to express their normal behavioural repertoire, and as a result, become bored, frustrated, and display abnormal, stereotypic behaviours. (...) With the best will in the world, circuses cannot provide the facilities needed for the health and mental well being of their animals.

Abuse is part of daily life for circus animals, whether it be a smack, a punch, a whipping, clubs, or full blown beating. When the abuse is not physical, it is verbal and just as intimidating in its aggressive tone as if the animal could understand every word being screamed in its face.

With all of this in mind, circuses with animals should be banned.”(Animal Defenders, 1998<sup>239</sup>)

There is a clear division of opinions regarding this issue, as well as of backgrounds and driving objectives. However, a compromise needs to be reached regarding the need for appropriate policy that involves the welfare and protection of the animals. In fact, both arguments agree in the lack of appropriate policy-making at this respect. Hence, Chris Barltrop states: “A British Parliamentary Working Party considered the question of performing animals over a long period. As a consequence of this discussion, a Code of Practice was suggested to allow animals to be kept and used in circuses under strict control. The formulation of this Code of Practice continues at present, but it remains to be seen whether politicians will adopt it or will continue the Labour Party's hitherto total opposition to animals appearing in circuses. A European Standard would be most useful, as Britain seems to be the only European country to suffer to such a huge extent from policies against performing animals.” However, organisations like *Animal Defenders* will claim that “the circus business has been successful in obtaining exemptions from most other important animal legislation such as the Zoo Licensing and Dangerous wild Animals Acts and the Convention on International Trade in Endangered Species (CITES) However, there is the opportunity within the Zoo Licensing Act to draw up specialist, enforceable, regulations which will eliminate the worst aspects of travelling circus life”. It is also recommended the introduction of an international passport for circus animals as well as the requirement of training qualifications for animals’ care and training. (Animal Defenders, 1998)

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<sup>239</sup> Animal Defenders: *The Ugliest Show on Earth. The use of animals in circuses*, 1998.

## ANNEX I

## United Kingdom

Information on support for the education of travelling children<sup>240</sup>**In the past**

There used to be 4 Circus schools travelling with Circuses (late 1970/80's). Following an HMI inspection in 1990<sup>241</sup>, these schools had funding withdrawn from them from the national ministry of education on the grounds that they were not able to provide a balanced curriculum to meet the needs of all the children.

Indeed the schools were poorly equipped. The teachers were isolated, not supervised and had little, if any, in service training. Circus owners often used them as additional labour for the circus – box office, building up etc. However, the survey also suggested corrections to similar future projects. It stressed that, with regard to secondary age youngsters in particular; "it is likely that the mobile schools will need to continue". Several observations were also made about resourcing, type and design of the mobile classroom, which if implemented would improve the overall quality of the teaching. A staffing ratio, either one teacher and one teaching assistant or two teachers, according to the number of children, would help overcome many of the difficulties detailed in the report as well. Teachers would need better professional support whilst travelling, and adequate funding to pay for emergency travel and/or accommodation. Each mobile classroom should be formally attached to a designated county school near to winter quarters. In conclusion, mobile schools were welcome by the four circuses and difficulties considered as not surprising given the innovative character of the policy. The circuses considered it necessary to move on and improve the quality of the provision.

The last informal survey of Circus children was conducted two years ago by the National Association of Teachers of Travellers (NATT) and the Chair of the Circus Parents Association (CPA). We are aware the survey **did not reach all** Circus people.

6	Foundation Stage (Pre School)	3-5 years
17	Key Stage 1 children	5-7 years
20	Key Stage 2 children	7-11 years
11	Key Stage 3 & 4 children	11-16 years

NATT and CPA are working on a new survey trying to reach all Circus families in the country. Both organisations have benefited greatly from the support of the European Federation for the Education of Children of Occupational Travellers (EFECOT).

Parents are reporting that because it is so difficult for their secondary aged youngsters to receive education as they travel, many of them are leaving their children behind with relatives or friends so that they have continuous attendance at the same school. Parents and their secondary aged youngsters are not happy about this. It interferes with their family life and their training of their children in circus skills but they feel they have no choice because of the

<sup>240</sup> Received in June 2002. Written by: West Midlands Travellers Education Consortium, United Kingdom, Pat Holmes, ([gom76@dia1.pipex.com](mailto:gom76@dia1.pipex.com)).

<sup>241</sup> HMI, "A Survey of Four Mobile Circus Schools", 1990 DES, Ref. 208/90/NS.

different curriculum examination boards, which can vary from school to school. This means the children cannot always study the curriculum for the exam board used by their “base” or “winter” school. Visiting teachers from (TESS) Traveller Education Support Services do not always have the skills in every secondary subject to offer the child.

### **General Information on Support for Travelling Children**

It is the duty of LEA’s to ensure there is access to education for **all** children residing in or resorting to their area.

The Department for Education and Skills (DfES) provides a Standards Fund Traveller Achievement Grant to LEA’s to assist them in making additional provision to support travelling children.

The grant covers cost of	Advisers
	Support Teachers
	Education Welfare Officers
	Transport
	Uniform
	Training
	Teaching & Learning Materials

DfES pay 52% of all agreed costs and LEA 48%.

DfES detail priorities as:

- Early Years take up
- Transfer to Secondary School
- Transfer of Traveller Pupils Education Records
- Attainment

The LEA’s have established Traveller Education Support Services (TESS) who link with families, support the children into school and in school arrange with the next LEA when the children are leaving the area.

The National Association of Teachers of Travellers, which I established in 1980, publishes a handbook for Parents detailing all the Traveller Education Support Services in the country and their contact names, addresses and telephone numbers. The DfES and EFECOT have contributed to the cost of this handbook as part of project funding supporting parents.

Circus parents in the UK use the handbook well and telephone to TESS at least one week before they are due to arrive in an area so that school places and additional teaching support can be arranged. If the Circus is only planning to stay a few days then instead of arranging school places the TESS will arrange to teach children on the Circus site. Most children will be carrying Distance Learning Work provided by their “Winter” school and the TESS in the Winter school LEA.

NATT with financial help from EFECOT/European Commission developed a Parent Held Pupil Education Record Book simply called the RED BOOK. Circus parents were very involved in the trialling of the RED BOOK. Now it is available to all seasonally travelling parents nationally through TESS. The DfES have funded its final publication.



The Winter school writes in the book about the child's academic and social progress and sets targets for the child. Whilst travelling, schoolteachers or TESS teachers will add to the record book and set new targets. The parent will present to the record book the teacher on each occasion. In this way, a comprehensive record of the work the child has done is built up throughout the travelling season. The record book and the final package of Distance Learning work will be taken into the Winter school when children arrive back from travelling and they will be assessed and the child will generally be rewarded.

Many schools arrange "welcome back" meetings for parents to see how they have managed the education of their child during the travelling season. They may also reward the children for their work publicly within the school to show how much they recognise and value the self-study efforts of the child whilst they have been travelling.

Please note that EFECOT have been instrumental in promoting and assisting TESS and schools in the skills and methodology of providing Distance Learning work for travelling children through training and through Staff Development Packs and Good Practice Guidelines.

### **Circus children travelling abroad**

We often need EFECOT's help to put families in touch with support in the country/area they are travelling in. When families travelled to Netherlands, the national Stichting Rijdende School for Fairground and Circus children were alerted to support. This is not always possible in those Member States where there is little or no additional support for travelling children. That's why EFECOT's work to stimulate actions in Member States is so important.

EFECOT have supported European wide networks with project funding from the EC's SOCRATES programmes etc. Over the last two years the situation has deteriorated terribly with little understanding from Parliament/Commission for the needs of travelling communities and the need we have from Member States of organisations like EFECOT to support the complex proposal and management process of EC funding. An organisation like this needs core funding to carry out its important co-ordinating and development role.

### **The Showmen's Guild of Great Britain**

Circus parents can and do belong to the above professional organisation, which however does not actively promote education for Circus children. NATT and EFECOT have, however, helped the guild set up Education Liaison Officers (ELO's) in each of their ten geographical sections (focusing on Fairground children).

The Circus Proprietors Association does not actively promote education for circus children either, rather, they are concerned mainly with professional issues of circus ownership.

The (CPA) Circus Parents Association is a relatively new organisation at a formal level. Its establishment was supported by NATT and EFECOT through the annual parents meeting and training event which coordinates group activities throughout the year. This is the group mainly concerned with their children's education.



## **II. European Union Initiatives<sup>242</sup>**

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<sup>242</sup> Written by Raquel Santos Pérez and Marketa Vavreckova, Directorate General for Research, European Parliament.



The importance of EU circus initiatives must be considered in connection with the international character and mobility of circuses throughout Europe. “In view of the international character and the particular mobility of the circus population, the necessary measures, engagements, and co-operation should be achieved on an international level, (within the EC framework), complementing and supporting the measures on the national level” (Ludo Knaepkens, 1989).

The international dimension and mobility of circuses mean that circus enterprises, families and artists travel throughout the year at home and abroad. Therefore, the movement of circuses and their artists within Europe needs to be analysed within the context of the European Community’s internal market and the free movement of goods, services and persons. (Article 14 of European Community Treaty) Similarly, the EU’s provisions on social security and education for circus families travelling within the Union need to be taken into account.

### 1. Free movement of circuses and artists within the European Union

A circus is generally regarded as “a family business” (Ludo Knaepkens, 1989). In addition to the family core, circus businesses can employ circus artists and background staff (technicians, chauffeurs, etc.). Most circuses’ travelling habits are not limited to the region, or indeed to their own nation. Some circuses, especially large-scale circuses, cross international borders to give performances and as a result travel throughout Europe. At the same time, circus artists work mainly on an international level, travelling throughout the whole year. When considering the nationality of circus artists and other workers, it can be seen that most circuses consist of an international company.

Under Community law there is no specific provision for circus workers’ movement within the EU. Instead, the general rules on the free movement of workers is applied, specifically: Article 39 of Title III *Free Movement of Persons, Services and Capital* of the EC Treaty; Council Regulation No 1612/68 of the Council of 15 October 1968 *on freedom of movement for workers within the Community*; and, Directive 68/360/EEC of 15 October 1968 *on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families*. Although there is no definition of circus workers within community law, a distinction is made between workers and self-employed workers or service providers. The relevant legislation for self-employed workers or service providers is the Council Directive 73/148/EEC of 21st May 1973 *on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services*.

In May 2001, the Commission issued a **proposal** to the Council and the European Parliament for a **Directive on the rights of EU citizens and their families to move and reside freely within the territory of the Member States** (COM(2001)257)<sup>243</sup>. This proposed directive aims at replacing the previous set of regulations and directives with a single act of legislation in order to harmonise the legal status of all Community citizens in the Member States, irrespective of whether they pursue gainful employment. Similarly, there are no specific provisions for circus workers or artists within this act of legislation.

Circuses in Europe also employ artists who come from outside the EU, such as from Eastern Europe or China. When moving within the Community third-country nationals are currently subjected to controls by each Member State, and their right of entry and work is currently

<sup>243</sup> OJ C 270, 25.9.2001, p. 150.

governed by the different Member States' own domestic legislation. This is a major problem for circus companies that employ artists from outside the EU and have to travel throughout Europe to perform. Indeed, it has been known for artists to be employed illegally and work for lower rates. A proposal dating from July 1995 (COM(1995)0346)<sup>244</sup> was issued in 2001, with the purpose of granting nationals of non-member countries, who are lawfully in the territory of one Member State, freedom of travel throughout the Community. In relation to this, the Commission proposed (COM(2001)388)<sup>245</sup> a directive relating to the conditions in which third-country nationals shall have the freedom to travel within the territories of the Member States for periods not exceeding three months and the introduction of a specific travel authorisation for a period not longer than six months.

In general terms, the circus community insists on simplifying the formalities for circus businesses which concern cross-border activities within the EU, with regard to amongst others: cross-border tours, cultural exchanges, training for young circus artists, circus promotion, permit grants, uniformity of conditions to practice circus professions, certificates, etc. One of the priorities for the *European Circus Association* is the "normalisation of visa arrangements and work permits" (European Circus Association, 2002).

On 24 January 1996, the Commission set up a high-level group to identify the legal, administrative and practical difficulties experienced by people exercising their right of establishment and right to work in another Member State. This **High-Level Panel, chaired by Mrs Simone Veil**, presented a report to the Commission on 18 March 1997<sup>246</sup>. In the "Panel's Report", the special situation for artists and professionals in the field of culture was taken into account as "they often face insurmountable problems, in particular because they tend to stay in countries for short periods and because the procedures applicable to them are slow-moving". Facilitating the transnational mobility of artists is emphasised due to the fact that their activities consist of performing at a number of locations. The High Level Panel called on the Commission "to maintain its attempts to specifically foster the mobility of artists and help their work reach a wider public" by two kinds of measures. Firstly, by encouraging sectoral studies aimed at increasing awareness and understanding of the problems that are specific to the various fields of artistic activity and promoting the dissemination of data. Secondly, by encouraging the creation of European platforms or forums to promote their activities and support artistic creation as well as to defend their interests both at national level and "as regards the transnational mobility problems they face".

A member of the European Parliament, Mrs Anne-Marie Schaffner, summarised as follows<sup>247</sup>; the report shares the view of the Panel regarding transnational mobility of artists and insists on the two measures proposed: encouraging sectoral studies and the creation of national and European platforms. In addition, a new optional one-year residency card was proposed, to be introduced for citizens, including artists, staying more than three months but less than one year. However, this report was not adopted by the European Parliament in its first reading due to technical problems.

The **European Commission** presented a Communication to the European Parliament and the Council on the follow-up to the High-Level Panel's recommendations on the Free Movement of Persons on 1 July 1997 (COM(1998)403). The Commission noted that Community

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<sup>244</sup> OJ C 346, 17.11.1995, p. 5.

<sup>245</sup> OJ C 270, 25.9.2001, p. 244.

<sup>246</sup> Report of the High level Panel on the free movement of persons chaired by Mrs Simone Veil, presented to the Commission on 18 March 1997, p. 67.

<sup>247</sup> European Parliament, Committee on Civil Liberties and Internal Affairs, Rapporteur Mrs Anne-Marie Schaffner: *Report on the report of the High-Level Panel on the free movement of persons chaired by Mrs Simone Veil*, 19.3.1998 (A4-0108/98).

legislation has been essentially conceived for workers who wish to become established in another Member State either permanently or for a significantly long period of time. However, it noted that it is “ill-adapted to the circumstances of persons who exercise their right to mobility for a limited period or on a part-time basis”. Regarding the mobility of artists, the Commission refers to the first European Community framework programme in support of culture for the period 2000 to 2004. In fact, the Communication from the Commission on the **First European Community Framework Programme in Support of Culture (2000-2004)**<sup>248</sup> of 6 May 1998, mentions the question of the free movement of professionals in the cultural sector and the difficulties of artists to move, as described by the High-Panel’s Report. Hence, the Commission proposed to “produce a detailed list of the obstacles to free movement and international mobility for artists and others working in the cultural sector and the factors impeding cultural creativity and dissemination, and will, if necessary, take appropriate measures to remove such obstacles”. The Committee of the Regions agreed with the Commission on the need to submit proposals on removing obstacles to the free movement and transnational mobility of artists and those working in the field of culture<sup>249</sup>. In addition, as part of the ‘Culture 2000’ financial support programme, in 2003 “the relevant main sector will be the performing arts” and “the sector will include theatre, dance, music, opera, the lyric arts, street theatre and circus”<sup>250</sup>.

On 23 November 1999 the Council debated on the free movement of persons working in the cultural sector and adopted the **Resolution of 17 December 1999 on the promotion of the free movement of persons working within the cultural sector**<sup>251</sup>. The Council underlined the principle of the free movement of persons. It also invited the Commission to undertake a study in consultation with artists and other professionals in the cultural field. This included a general assessment of mobility and a comprehensive review of legal, administrative and practical obstacles currently impeding the implementation of the principle of free movement in the cultural sector as well as proposals for actions to removing obstacles. Member States were urged to co-operate with the Commission in preparation for the study, to consider actions at national level, to improve advice and information provided for artists and to develop co-operation with a view to facilitating the mobility of artists and other persons working in the cultural sector.

The Commission welcomed this Resolution and had a study conducted with the aim of identifying obstacles that may effect the mobility of people working in the cultural sector<sup>252</sup>.

Finally, the **Culture 2000 Programme**, adopted by Decision No. 508/2000/EC of the European Parliament and of the Council of 14 February 2000<sup>253</sup>, refers to the mobility of artists. Among the objectives in the programme is the promotion of the movement of artists, creators and other cultural operators and professionals and their works. Co-operation Agreements envisaged under this programme include activities related to the mobility of artists, creators and other cultural operators and to aid the movement of artists and their works across Europe.

<sup>248</sup> COM(1998) 266 final.

<sup>249</sup> Opinion of the Committee of the Regions on the “Communication from the Commission on the First European Community Framework Programme in Support of Culture (2000-2004)” of 19 November 1998 (OJ C 51, 22.2.1999, p. 75).

<sup>250</sup> Commission: *Culture 2000: Call for Proposals for 2002* (OJ C230 of 15.8.2001, p. 6).

<sup>251</sup> OJ C 8, 12.1.2000, p. 3.

<sup>252</sup> Professor Olivier Audeoud, University of Paris, Study on the mobility and free movement of people and products in the cultural sector, April 2002.

<sup>253</sup> OJ L 63, 10.3.2000, p. 1.

## **A. Examples of Obstacles for Circuses who tour in other EU Members States**

According to circus professionals, circus performances are frequently subject to excessive administrative requirements. Each Member State has its own administrative requirements concerning construction and safety regulations, animal protection, non-EU labor force etc. which create obstacles for circuses.

### **Construction and Safety Regulations**

In various European countries there are still different norms for technical equipment and fire protection, namely Germany and France who have very detailed regulations concerning tents and the auditorium and their construction. Further, there is significant attention paid to security exits, surveillance, flammability of materials etc. These standards were elaborated and are controlled by TÜV in Germany and Bureau de Vérification Chapiteaux, Tentes, Structures" in France. Some other countries, like The Netherlands, Luxembourg and Austria are strongly influenced by German and French norms, whereas countries like Belgium have only very few norms<sup>254</sup>.

The norms differ sometimes to such an extent, that it is very hard to adapt to them. Eventually, this prevents the realization of the tours outside of the country of origin. In Germany, some Russian and Chinese state circuses obtained an exemption to the requirements as a result of political pressure. On the other hand, French authorities have a tendency to strongly insist on the observance of the norms. This could lead to a suspicion that the norms are designed in order to protect national circuses against international competition.

The following letters illustrates other difficulties:

- A translation of a letter from the Zirkuspädagogische Zentrum to Ludo Knaepkens (ECA Chairman) dated 14<sup>th</sup> April follows<sup>255</sup>:

Dear Mr. Knaepkens,

"Our circus tent (rounded, two pylons, 22 meters diameter, 12 meters height) is rented to a music group from Hanover which plans to have a performance in Milan, Italy.

The place of the event is planned to be Palazzina Liberty, Milan.

According to the Italian business partner and the Goethe Institute, it is not permitted in the whole area of Milan to hammer pegs into the ground. Therefore, we cannot put up our tent and hold the performance.

Please let us know as soon as possible if this information is correct and to which body we can refer in order to get authorization?"

Sincerely A. J. J. Winkler

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<sup>254</sup> Summary of letter from Mr Laurens Thoen, tour operator from Busch-Roland Circus (Germany) to the European Parliament received in June 2002 (viz ANNEX III), summarized and translated by Ingmar Raij and Marketa Vavreckova, trainees at the European Parliament, October 2002.

<sup>255</sup> Italian original viz ANNEX IV, translated by Zoltan Macsik and Marketa Vavreckova, trainees at the European Parliament, October 2002.



- The European Circus Association Secretary Mr. Arie Oudenes collected some information from Dutch and German circuses concerning their difficulties<sup>256</sup>.

..." there is the example of the Netherlands refusing to study a German tent book even though it was a high quality document. Recently, there has been a similar case in Spain as well. Besides the language obstacles there are problems emerging from the different norms in the EU states. To illustrate that, there is a circus, which has seven different tent books for various countries".

"One of the biggest problems at the moment is standardizing the flammability of tent materials. The circuses, which received tent material quality certificate "code M" have to have it again reapproved by a notary in other countries through cutting a piece for a laboratory examination.

Fire safety measurements (e.g. placement of wagons and tents regarding the escape routes or fire exits) is usually a concern of local authorities. But each authority has different requirements, which causes confusion in the circus organization".

In every case it would be desirable to harmonize these standards within the EU in order to guarantee the free movement of workers and services. This could help to hinder the unacceptable protection measures against competition<sup>257</sup>.

### **Public financial subsidies**

Most of the Member states do not grant financial subsidies to the circuses. Only France and Italy give partial support through occasional direct financial state support.

There is a special allowance for Italian circuses if they go abroad in that they are reimbursed for running costs (electricity, water, gas etc.) from the Ministry of Tourism. This encourages the Italian circuses to go abroad regularly. Foreign enterprises have great difficulties travelling through Italy due to regional government administrative obstacles unless they cooperate with local companies. One could question if this violates competition law and freedom to exercise one's profession<sup>258</sup>.

### **Animal protection**

The majority of the Member States have animal protection laws. However, these laws differ from country to country. In Austria, they even differ on the "Länder" level. Therefore, animals are not allowed in certain areas or towns. Particular requirements such as cage size are sometimes just a matter of detail. It is difficult to meet these standards because of a lack of time and high costs. Breach of these rules leads to high fines. It would be desirable to harmonize animal protection regulations at the EU level<sup>259</sup>.

<sup>256</sup> Viz ANNEX V, translated by Marketa Vavreckova, trainees at the European Parliament, October 2002.

<sup>257</sup> Ibid.

<sup>258</sup> Summary of letter from Mr. Laurens Thoen, tour operator from Busch-Roland Circus (Germany) to the European Parliament received in June 2002 (viz ANNEX III), summarized and translated by Ingmar Ras and Marketa Vavreckova, trainees at the European Parliament, October 2002.

<sup>259</sup> Ibid.

## **Foreign (non-EU) work regulation**

In order to have more original and high quality shows it is desirable to have artists from the former East bloc countries. These artists are generally better qualified due to former and up to date state circus schooling (e.g. Staatliche Fachschule für Artistik in Berlin). The owners of the circuses always have difficulties getting work permits for third country performers because of the strict law of the EU countries. It seems that there are different measures for the circus performers in comparison to sportsmen (football), popstars or classical music performers. Consequently, the mainstream performers enjoy freedom of professional performance and are able to earn more than the circus performers.

The circus performers can obtain one residence permit for the whole "Schengen area". As opposed to work permits which are issued for each country individually. As a consequence, this brings additional expenses and administrative complications to the circus owner. The circus has always been famous for being cosmopolitan. Nowadays however, administrative obstacles endanger this characteristic<sup>260</sup>.

Mr. Arie Oudenes from the ECA adds to this that "the problems get even worse if it concerns Germany or Austria. There are a lot of decisions, which depend on the local (Länder) authority, but it always has to be discussed with the central authorities"<sup>261</sup>.

Mr. Raoul Gibault from the French Cirque Medrano wrote a letter to the European Circus Association in which he described some he was pointing mostly to the complicated French procedure concerning introduction of foreign artists and especially animals<sup>262</sup>.

## **2. Social security regulations**

Circus workers come under the general rules of EC legislation on social security for circus artists and workers, since at the time of writing no specific rules exist. The general rules are governed by Article 42 of the EC Treaty and Regulation 1408/71. **Article 42** of the EC Treaty states that the Council shall "adopt such measures in the field of social security as are necessary to provide freedom of movement for workers". **Regulation No. 1408/71**, amended in 1995 by Council Regulation No 3095/95 co-ordinates but does not harmonise the social security systems of the Member States. The basic principle is that a person should only be subjected to the social security legislation of one Member State, which will normally be the State in which he/she works. If a worker is temporally posted to another Member State he/she remains subjected to the social security system of the "home" Member State.

In 1998, the **Commission** adopted a **proposal on the co-ordination of social security systems in the Community in order to promote the free movement of persons** (COM(1998)0779)<sup>263</sup>. The aim was to simplify the regulation and co-ordination of security systems in the Community and to extend it to all persons, including third-country nationals (provided that they are part of a social security scheme in one of the Member States).

The **European Parliament**, in its Report *On the Situation and Role of Artists in the European Union* of 1999<sup>264</sup>, focused on the co-ordination of social security systems for artists. It emphasised the fact that "the nature of artists' employment means that traditional social security classification frameworks cannot be implemented for artists" and called for the

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<sup>260</sup> Ibid.

<sup>261</sup> Viz ANNEX V, translated by Marketa Vavreckova, trainee at the European Parliament, October 2002.

<sup>262</sup> Vix ANNEX VI.

<sup>263</sup> OJ C 38, 12.2.1999, p. 10.

<sup>264</sup> Report A4-0103/99, OJ C 175, 21.6.1999, p. 6.

examination by the Commission of possible ways of approximating social protection and tax legislation to artists and their works. In particular, the European Parliament called for flexible social security arrangements for artists as the standard conditions to qualify for social security (to work a minimum of days or hours and earn a minimum amount) “are rarely met”. Regarding social protection, the Parliament called on the Member States, in particular, to:

- Proceed to adopt special social security funding arrangements involving new forms of financial participation of those involved in the artists’ work.
- Guarantee adequate social protection providing artists with security during periods when they are not being paid, abolishing the concept of time spent working as a condition and income as the sole condition for his or her rights to benefits,
- Reduce the minimum income figures required for entitlement to social security benefits and allow earnings to be calculated on the basis of the entirety of the artist’s career, so that for pension calculation purposes, the more-successful years compensate those which were less-profitable.
- Make provisions for certain categories of artist who only practise their profession for a relatively short period of their lives, to have pension rights calculated in terms of the length of their career.

### 3. Education of circus family children

Circus communities face a great challenge regarding the education of their children, mainly due to their travelling lifestyle, which leads to a lack of school continuity. The educational support for a circus’s specific needs in the various Member States of the EU differ considerably, even within a particular country. National educational solutions such as the state school system do not follow the children when they move from the country and, in some cases, from the region.

Article 126 of the EC Treaty gives the Community new powers in the field of education and youth. More specifically this involves encouraging co-operation between Member States, so as to contribute to the development of quality education. The EU has undertaken a series of initiatives to meet the needs for the education of circus workers’ and artists’ children, which are covered by the provisions regarding schooling of occupational travellers’ children.

On 22 May 1989, the **Council** and the Ministers for Education meeting within the Council, adopted a **Resolution On School Provision for Children of Occupational Travellers**<sup>265</sup> with the aim of developing a structural approach to help these children overcome the obstacles which hinder their access to schooling. This resolution was the result of another agreement adopted by the European Parliament in 1984. It related to the education of children whose parents have no fixed abode and the subsequent two reports completed by the Commission, with the collaboration of the *European Federation for the Education of the Children of Occupational Travellers* (EFECOT), in 1987 regarding the education of gypsy children and in 1988, regarding the education of circus and fairground children. In its resolution the Council described the situation as ‘rather disturbing’, since “quite a considerable number of children do not regularly attend school and some have never been to school” and “that a very small percentage attend secondary school and beyond”. The Council, with regards to circus family children, called on the member States to take every effort to:

- improve information for families regarding educational arrangements, types of education and specific aid available,

<sup>265</sup> OJ C 153, 21.6.1989, p. 1, viz ANNEX I.

- improve access to nursery and primary schools by promoting mobile education units, admitting circus children during the winter break, developing appropriate teaching methods, and appointing travelling advisers to assist parents with the pre-school education of their children,
- take steps to make full secondary education and appropriate vocational training available for children and, in particular, to establish circus secondary schools for children and adolescents who wish to train for a career as a circus performer,
- encourage the provision of accommodation in boarding schools; and encourage appropriate agencies to inform teachers of the specific circumstances and needs of these children.

These EU initiatives have acted as an important catalyst for all parties with regards to the accessibility, as well as to the quality of educational provisions for travelling communities, including those within the circus. In some Member States it was the starting point for policy-makers to examine and develop strategies aimed at improving the provisions and the quality of education. At the same time, there was an input of information and opinions, involving the travelling communities, which led to the creation of a European wide network<sup>266</sup>.

There was not the same amount of progress made in the various countries and regions of the European Union. In 1996, the **Commission** submitted a **Report on the Implementation of the Measures provided in the 1989 Resolution** (COM(96)494). The aim was to present a total view of the situation within the Union with regard to the implementation of the 1989 resolution, in order to present the various stages required to put the resolution into practice. For this purpose, each Member State had prepared a national report.

From the data received from the Member States it was possible to estimate the circus population in the Union (see Table 12), although it was difficult to know with any degree of accuracy just how many children or young adults of compulsory school age are present.

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<sup>266</sup> In 1988, at the demand of the Commission, the European Federation for the Education of the Children of Occupational Travellers (EFECOT) was established.

**TABLE 12: quantitative data circus population in the EU**

MEMBER STATES	NUMBER OF			
	ENTERPRISES	FAMILIES	TOTAL POPULATION	SCHOOL AGE CHILDREN
B	6		74	10
D	230			1200
E	30	300	1200	600
F	140	4000		
G				
IRL	(cf. Table Fairground)			
I	130	650	2902	1109
L				
NL	13	46	169	43
UK				158
<b>totals</b>	<b>549</b>	<b>4996</b>	<b>4345</b>	<b>3120</b>

Commission Report on the implementation of measures planned by the Council and the Ministers of Education of 22 May 1989 – COM(96)494, p. 14<sup>267</sup>.

The national reports showed that the Member States are preparing and/or carrying out different measures in keeping with the resolution of May 1989.

According to the report it appears that the travel patterns of circus families have changed in recent years. The scope of circus operations has expanded, since they now operate in smaller arenas. As a result, some circuses stay for longer periods in several countries and lead a more sedentary life. In the Member States it is often the case that children do not travel with the parents but lodge with families (relatives or friends). However, most of the circus children remain with their parents and are subjected to the circus business from an early age. This implies major difficulties for compatibility between circus life and attending school.

The report highlights the fact that school attendance records of travelling circus children are very irregular. In general terms, we can see two scenarios. During the winter season (November to March), when circuses tend not to travel so often, children have the opportunity to attend a locally based school. However, this can not compensate fully for the work missed during the long travelling summer season. During the summer season, or if the circus family needs to travel throughout the whole year in order to survive, the options available are: enrolling from one school to another, distance learning, boarding schools or mobile schools. Enrolling in each local school as they travel results in circus children entering and leaving a high number of schools in any given year. European families face the difficult task of trying to link up with a variety of ordinary local schools along their routes and this results in a lack of continuity and coherence, resulting in a very low quality of education. (Ludo Knaepkens, Director of EFECOT)<sup>268</sup> Boarding schools are not usually an option for parents due to the importance of remaining within the family group and to learn family circus artistry and skills. A mobile school is the most favoured option amongst the circus community. In some Member States (Spain, the Netherlands, Germany and the United Kingdom), there are mobile schools

<sup>267</sup> Data compiled by EFECOT between 1992 and 1996.

<sup>268</sup> Interview by the European Parliament with representatives of EFECOT in April 2002.

which benefit circus children. In some other Member States (France and the United Kingdom), the education of travelling children is supported by the provision of distance learning materials.

In most Member States, circus children receive virtually no pre-school education and the Member States are yet to act on this. In the Member States where mobile schools are provided, nursery education is also included during the travelling season.

With regard to primary school education, special attention has been focused on the development of suitable monitoring systems, as well as suitable materials for distance learning and teaching networks at national and European level. Some Member States have established facilities for boarding school provisions. However, only a limited number of circus families favour this option. The governments of certain Member States have arrangements to financially aid parents' boarding school expenses, as some parents can not afford the fees. In some Member States mobile schools are provided to circuses. In some cases they are funded by the public authorities (as long as certain requirements are met, i.e. the minimum number of children at school age) and, in other cases, these need to be funded by the circus proprietors themselves, as long as the financial situations allows.

In many Member States, secondary school attendance of circus children remained a cause of particular concern, as well as developing adequate and adapted models. Secondary school attendance is very low among circus children and, in general, circus children no longer receive education when the compulsory education period is over (Ludo Knaepkens, 1989). Vocational training in circus skills is a recent development. Only a few schools specialise in this area and there are great differences among them, although the number of schools has increased in the last 15 years. Certain Member States, such as Belgium, France, Germany and Italy, have recognised facilities for the training of circus artists and created national circus schools.

Special attention is paid to informing, guiding and training teachers with regard to the specific situation and requirements of occupational travellers' children. In particular, a number of exchanges at national and European levels and seminars for teachers of travelling circus children have taken place, with the support of the European Community and EFECOT. Other actions taken in certain Member States include the placement of discussion structures, literacy projects for parents, and specific units within the Ministries of Education responsible for this sector's education. However, developing information and communications channels with the parents appears to be extremely difficult, in part due to the lack of national/regional or European professional associations for this sector.

In its report, the European Commission highlighted its considerable contribution towards the development of distance-learning materials, the creation of suitable collective teaching arrangements, and the development of teaching materials aimed at parents.

Finally, the Commission insisted on various plans and measures to be devised and carried out in the following areas:

- information, discussions and collaboration with parents;
- provision of instructions and advice in line with local education policy;
- development of appropriate educational and teaching materials;
- distribution and exchange of such materials at European level;
- development of special distance-learning and open-learning materials (making use of information and communication technology);
- distribution and exchange of such materials at European level;

- development and distribution of appropriate monitoring systems at European level;
- assessment of initial educational level and progress made;
- initial and further training of teachers (with particular regard to, among other things, multilingualism in educational establishments)”.

The European Education Programmes play a relevant role in educating the travelling population. Support from the EU for projects regarding travellers’ education was first provided in 1990. The financial support framework changed by Decision No. 819/95/EC of 14 March 1995<sup>269</sup> of the European Parliament and the Council establishing the first **SOCRATES** Community action programme on education. It recognised that “measures need to be taken to improve the quality of education for the children of (...) occupational travellers”. With this purpose the **COMENIUS – ACTION 2** programme was intended to encourage the education of children of migrant workers, as well as the children of occupational travellers, travellers, gypsies and intercultural education. Under COMENIUS Action 2, financial assistance was allocated by the Commission to transnational projects addressed at promoting participation in school activities and equal opportunities for children, improving their schooling and the quality of education they receive, and meeting their specific educational needs and capacities. This was a project-based action, which normally involves at least two institutions and/or organisations from at least three participating countries. Support has been addressed to activities such as the production of teaching, learning, multimedia and information materials, support for the use of IT technologies, support for the transition from school to working life, the development of ‘The Young European Circus’, organisation of seminars, conferences and workshops, improving links between schools and families and networks, in-service training for teachers and parents or development of evaluation models and consultation procedures.

Under this programme, and for the period of four years, a total budget of 2 million ECU’s was allocated to the education of travellers, through the following projects<sup>270</sup>:

- Project No. 33862: “La scolarisation des enfants tsiganes et voyageurs”, SIETAR (1995).
- Project No. 33860: “To guarantee the right to a proper education and training for the various groups of the Occupational Travellers”, European Federation for the Education of Children of Occupational Travellers (EFECOT) (1995, 1996 and 1997).
- Project No. 37231: “Transition école – vie active”, Fédération Européenne des Ecoles de Cirque (FEDEC) (1995 and 1996).
- Project No. 56130: “In partnership we progress”, EFECOT (1998 and 1999).
- Project No. 57123: “TCM – The Class Moves! International Project”, Stichting de Regio Beweeft (1998, 1999 and 2000).
- Project No. 57133: “Helpdesk voor Coaching van Leerkrachten”, Hogeschool Van Arnhem En Nijmegen (1998 and 1999).

On 16 July 1998, a member of the **European Parliament**, Allan Macartney, asked the Commission to give assurances that specific funds would continue to be designated under the

<sup>269</sup> OJ L 087, 20.4.1995, p. 10.

<sup>270</sup> European Commission, Socrates – Comenius Action 2 Compendium for the years 1996, 1997, 1998, 1999.

next Socrates programme to the education of occupational travellers' children.<sup>271</sup> Mrs Cresson, on behalf of the Commission, confirmed that the children of occupational travellers "will remain an important target group of the future Socrates programme". Under Decision No. 253/2000 of the European Parliament and Council of 24 January 2000<sup>272</sup>, **SOCRATES II** programme was established and under COMENIUS – Action 2, projects aimed at addressing the specific needs of the children of occupational travellers and intercultural education continued to receive Community financial assistance. However, it is claimed that within this financial support, the budget dedicated specifically to circus children's education has been reduced. In this sense, circus children have become "the minorities within the minorities" (Ludo Knaepkens, Director EFECOT)<sup>273</sup>. From the data available for the year 2000<sup>274</sup>, a budget of 382,900 ECU's was allocated to the following two projects:

- Project No. 87015: "Training of travellers parents to partnership", EPA-European Parents (2000).
- Project No. 87300: "Travelling on together", EFECTOT (2000).

At the 2001 International Forum regarding the education of travelling communities in Düsseldorf, concern was expressed as "the guarantee of quality education for these communities does not appear in the political agenda in several Member States" (Declaration of Düsseldorf, January 2001). It is argued that under the new Educational Programme of Socrates there is no longer any guarantee that transnational actions or projects for these target groups will get financial support. "As a result of the current trends, the processes that started, the progress made, and the necessary future actions are missing from the political and financial support". (Declaration of Düsseldorf, January 2001) Therefore, experts recommend the EU to bring this subject on the political agenda, to update the 1989 Resolution, and to support European networking<sup>275</sup>(viz ANNEX II).

Problems related educating circus children also affect their vocational training opportunities. Most of the students in circus schools in Europe do not come from the circus environment. This is partly due to the fact that the conditions to be accepted into a vocational training course involve the acquisition of secondary school qualifications. It becomes, paradoxically, difficult for circus children to access circus schools and professional training, and to an extent this is due to the inadequacy of guaranteeing primary and secondary education to circus children.

Article 149 of the EC Treaty states that the Community "shall contribute to the development of quality education by encouraging co-operation between Member States". "The entitlement to education for children, including those from travelling families, is a right" (Ludo Knaepkens, 2001). The right to education for everyone is recognised in the EU Charter of Fundamental Rights (Article 14). But the situation for travelling children is still very serious and the majority of travelling parents are solely responsible for the education of their children. Thousands of circus children travelling with circuses throughout the EU face, as described previously, a number of difficulties in gaining access to quality education. It is clear that there is still much to be done in order to guarantee the right to education for all circus children. Although primary education is being partly solved in some of the Member States, secondary education for circus children is still a major problem. Although the provision of mobile

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<sup>271</sup> Written Question E-2243/98 (OJ C 31, 5.2.1999, p. 135).

<sup>272</sup> OJ L 028, 3.2.2000, p. 1.

<sup>273</sup> Interview by the European Parliament with representatives of EFECOT in April 2002.

<sup>274</sup> European Commission, Socrates – Comenius Action 2 Compendium for the year 2000.

<sup>275</sup> Recommendations at the Declaration of Düsseldorf and in the EFECOT Policy Plan 2000-2007.



schools is a good option, attention also needs to be paid to those circuses that, due to their size, can not accede to this kind of arrangements.

The educational provisions available and the way in which they are organised are still connected to the local, regional and national levels. “Mobility collides with the rigid school system” (Ludo Knaepkens, 2001). A common problem found in Europe is that the education of these children is often disturbed when their families move abroad for the travelling season as, even when there are provisions for mobile schools, these do not function outside the country. The international character and mobility of circus families bring about a European-wide dimension to the solution of these problems encountered by circus parents. “Europe-wide action is therefore required” (EFECOT, 1996) from the sector in order to improve the present problematic educational situation for circus children, especially in the light of the future enlargement of the EU. Various parties concerned (experts, institutes, organisations, teachers and policy-makers) demand a European policy framework, a collection of measures on a European level and a network for co-ordination and support within the framework of the EC.



### **III. European co-operation: networks and festivals**



In general, there are few functional and active representative organisations in the circus environment. According to Ludo Knaepkens from the European Circus Association, the lack of representative organisations “is the reason the needs and wishes of the circus population are rarely or never met when tracing out the cultural and educational policy in the Member States”.

## 1. European circus networks

### *European Circus Association (ECA)*<sup>276</sup>

The European Circus Association was created as recently as February 2002 to represent circuses within the EU, Switzerland and Norway. In order to become a member, the conditions are: to be registered with a chamber of commerce, to be paying taxes and insurance contributions, to have legally required visa and work permits for all employees, and to pay attention to the well-being and required permits and papers for all accompanying animals. A general meeting coupled with a Festival is planned, as well as extra meetings, if necessary, and a large symposium for the year 2003. This association will give priority to, amongst others, standardisation of visa arrangements and work permits, animals in circuses, VAT rates and taxes, recognising the circus as a culture, recruiting suitable personnel in circuses, and standardising tent cloth, construction and transport costs.

### *European Federation for the Education of the Children of the Occupational Travellers (EFECOT)*

EFECOT was set up in 1988 on the initiative of the European Commission. Its mission was to optimise the education of occupational travellers in Europe, (sailors, circus, fairground communities and seasonal workers) and to implement the 1989 Council Resolution on school provisions for children of Occupational Travellers. It is also responsible for creating and promoting educational provisions adapted to the particular needs of occupational travellers, which in turn prevents them from falling through the educational and social net.

To achieve its mission, EFECOT co-operates with a large variety of organisations within the European Network.

EFECOT's main activities are: consulting on responsible educational practice with parents, youngsters, teachers, professional organisations and European, national and regional institutions; planning and implementing projects together with European partners and members for the development of international pre-school networks, appropriate distance learning material, follow-up systems, lifelong learning facilities and the support of travelling parents regarding the education of their children; organisation of study visits, seminars, (press) conferences and congresses for teachers, parents, professional organisations, policymakers and all those involved in the education of occupational travellers; and the publication and dissemination of articles, reports, research articles and audio-visual material on the education of travelling populations. Most activities have been carried out with the support of the European Commission.

EFECOT co-ordinates and takes part in a considerable amount of educational projects and actions, supported by the European Commission, as, for example, QWATRA (vocational training), ISOLDE (information system for education providers), TOPILOT and FLEX (for long-distance learning technologies). Within the framework of the SOCRATES Programme, under the Comenius Chapter Action 2, a series of projects have been managed by EFECOT,

<sup>276</sup> European Circus Association: *Questionnaire for the Foundation of ECA - Results*, May 2002. Received by Arie Oudenes, ECA-Secretary in May 2002.

with regard to potential school provisions for travellers, the acquisition of data regarding the schooling of travelling communities, and the exchange and dissemination of information and good practices.

These actions and projects are possible thanks to a European-wide network, which is the cornerstone of EFECOT's working plan.

#### *European Parents Association (EPA)*

The EPA is focused on the specific problems faced by travelling families, including those in the circus, in their dealings with schools. Thanks to the collaboration of EFECOT, it has prepared and carried out the Socrates-Comenius project "Training of travellers parents in partnership" with the aim of training parents as responsible partners for the children's benefit.

#### *European Federation of Circus Schools (FEDEC)*

One of the recommendations from the Commission's report of 1988, which resulted in to the 1989 Council Resolution, was the stimulation of co-operation and collaboration between the training institutions and circus families. In 1994, FEDEC was established on the initiative of EFECOT with this purpose in mind.

This European organisation aims principally at co-operating and exchanging information and experience, as well as supporting the professional opportunities of young circus artists. FEDEC has three objectives. First, to encourage the different European vocational training courses for circus artists to co-operate with one another. Second, to inform and co-operate with circus families on the subject of educational opportunities, both general and vocational. Third, to develop the quality of non-professional education in circus skills in Europe.

#### *Young Artists for Europe*

'Young Artists for Europe' is a non-profit project financed by the European Union and organised by the Land capital Wiesbaden in Germany. This is a three-stage international project for training young people, in addition to innovating circus culture, which seeks European co-operation for high quality circus performances. The project consists of F, a *Colloquium on Circus Culture*, *European Youth Circus*, and *Field of Experience of Artistry*.

The *Colloquium* can be described as an International forum for discussion. Artistic, aesthetic and school education of young artistes, marketing concepts, questions concerning residence law, those are examples of topics, which are being discussed.

The *European Youth Circus* is a festival for artists up to the age 25 from many European countries, who measure their skills with each other in a friendly competition. 184 applicants from 20 European countries have participated at he the last festival, which took place from 31 October to 3 November 2002<sup>277</sup>.

The *Field of Experience of Artistry* offers pupils and their teachers the possibility to rehearse different circus acts such as acrobatics tight wire, juggling, clowning etc. in workshops supervised by artistes in a family circus.

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<sup>277</sup> Magistrat der Landshauptstadt Wiesbaden: *European Youth Circus*, 2002

## 2. Festivals

There are around 10 to 14 circus festivals taking place in Europe every year. The following are only some examples:

### *Circus Festival Monte Carlo*

Prince Rainier III of Monaco first established the Festival of Monaco in 1974, with the aim of obtaining a greater “appreciation of circus culture”.

The last 25 festivals have included approximately 820 performances, with 4,000 artists representing 30 countries. So far, 600,000 spectators have followed the spectacle live and millions have watched it on their TV screens.

### *Festival Mondial du Cirque de Demain, Paris*

Since 1977 this festival has taken place 22 times. This relatively recent Parisian festival offers young performers the unique opportunity to introduce and make a name for themselves. The festival also promotes unknown circuses.

### *Festival Circus Prinsessan, Stockholm*

Established in 1995, this festival is broadcast in 70 countries. It only features female performers and lasts from three to four weeks. The basic concept is to provide female circus performers with stage experience.

### *Festival and Centre for the Promotion of Contemporary Circus*

The International Contemporary Circus Festival, established in July 2000 and promoted by the Municipality of La Seyne sur Mer, has since become an internationally renowned event. The Festival is open to very diverse forms of artistic expression and is intended as a showcase for contemporary art in Europe. It is also an opportunity for performers and promoters to come into contact with one another. The Centre for the Promotion of Contemporary Circus, which was founded in January 2002, has four fundamental objectives: to raise awareness, to introduce special projects, and to support and encourage creativity, scientific information and reflection.

The CPCC already belongs to an international network of companies active in the field of the "new circus". Its European partners in this circuit include la Villette (Paris), Les Halles de Schaerbeek (Brussels), InterCult (Berlin), Göteborg Dans & Teater Festival (Stockholm).

## ANNEX I

### **RESOLUTION OF THE COUNCIL AND THE MINISTERS OF EDUCATION MEETING WITHIN THE COUNCIL of 22 May 1989 on school provision for children of occupational travellers (OJ C 153/89 p. 1)**

THE COUNCIL AND THE MINISTERS FOR EDUCATION, MEETING WITHIN THE COUNCIL,

Having regard to the resolution of the Council and of the Ministers for Education, meeting within the Council, of 9 February 1976 comprising an action programme in the field of education (1),

Considering that on 16 March 1984 the European Parliament adopted a resolution on education for children whose parents have no fixed abode (2) in which it urged the Commission, in cooperation with the Member States, and in consultation with the organisations representing the parents of these children, to take steps to ensure that these children receive an appropriate education, regardless of the Community country in which they happen to be,

Considering that itinerant occupations currently account for a population group of approximately 200 000 persons in the Community,

Considering that the present situation is rather disturbing in general, and in particular with regard to schooling, that quite a considerable number of children do not regularly attend school and some have never been to school, that a very small percentage attend secondary school and beyond, that the level of educational skills bears little relationship to the presumed length of schooling,

Considering that schooling, in particular by providing the means of adapting to a changing environment and achieving personal and professional autonomy, is a key factor in the cultural, social and economic future of itinerant occupations, that parents are aware of this fact and their desire for schooling for their children is increasing,

Noting the results and recommendations of studies carried out on behalf of the Commission on the schooling of children of occupational travellers in the 12 Member States of the Community and the guidelines emerging from the summary report, consultations of gypsy and traveller representatives and discussions between experts and representatives of the Ministries of Education,

#### **HEREBY ADOPT THIS RESOLUTION:**

The Council and the Ministers for Education, meeting within the Council, will make every effort to promote a set of measures concerning school provision for children of occupational travellers aiming, without prejudice to the action already being undertaken by the Member States in the light of the particular situations they are experiencing in this area, at developing a global and structural approach helping to overcome the major obstacles to the access of those children to schooling.

After consulting the professional circles concerned, these measures will aim at: - promoting innovatory initiatives,

- proposing and supporting positive and appropriate measures,
- inter-relating achievements,
- widely disseminating the lessons learned.



## 1. At Member State level

Within the constitutional and financial limits of their own specific educational policies and structures, the Member States will make every effort to: (1) OJ No C 38, 19.2.1976, p. 1. (2) OJ No C 104, 16.4.1984, p. 144. 1.1. Improve information for travelling families (rivercraft, circus and fairground people) regarding educational arrangements, types of education and specific aid made available by the public authorities or private initiative to enable parents to take a responsible attitude towards the education of their children.

1.2. Where possible, improve access to nursery and primary school for the children of occupational travellers (rivercraft, circus and fairground people) in the following ways, for example: (a) by promoting, where appropriate and viable arrangements can be made, mobile education units for occupational travellers' children to accompany or follow circuses or fairs in their travels;

(b) by encouraging nursery and primary schools: - located near mooring areas to develop teaching adapted to the needs and lifestyle of rivercraft children,

- to receive circus and fairground children in the winter break and develop appropriate teaching methods in cooperation with the mobile education units where they exist;

(c) by promoting, where appropriate, the appointment of travelling advisers to assist parents with the pre-school education of their children or help them to supervise distance learning when they have opted for this formula;

(d) by introducing, if appropriate, school record cards to demonstrate the frequency of attendance and the results achieved.

1.3. Take steps to make available full secondary education and appropriate vocational training to the three categories of children, by promoting for example: - sandwich courses which seem best adapted to the needs (practical on-the-job training during the active season and theoretical training during the winter break),

- the establishment, where appropriate, where numbers make such provision viable, of circus secondary schools for circus children and adolescents who wish to train for a career as a circus performer.

1.4. Encourage the provision of accommodation in boarding schools or in lodgings for the three categories of pupils in appropriate cases.

1.5. Encourage if necessary appropriate agencies to inform teachers at the various educational levels during their initial and in-service training of the specific circumstances and needs of occupational travellers' children.

1.6. Promote support, in accordance with the procedures of their respective education systems, for teachers, educators, heads of schools and boarding schools and mobile teaching units.

## 2. At Community level

2.1. Community involvement in this field is useful for encouraging national initiatives as regards the exchange of experience and to take advantage of innovative pilot projects.

2.2. Carrying out pilot schemes with a view to an exchange of views and experience between those concerned.

2.3. The Commission will ensure that these measures fit in with the other Community

measures already planned in the field of education.

It will also ensure that they fit in with Community measures concerning the education of other itinerant people such as gypsies and travellers.

It will also ensure that these activities are compatible with other Community activities such as those of the European Social Fund.

2.4. A report on the implementation of the measures provided for in this resolution will be submitted by the Commission to the Council and the European Parliament as well as to the Education Committee before 31 December 1993.

## ANNEX II

**CIRCUS IN EUROPE*****Recommendations regarding the education and schooling***<sup>278</sup>

1.The policy makers in the Member States of the EU need to guarantee the accessibility and quality of education provisions for the Circus population. This must include systematic consultations with the various bodies concerned.

2.It is necessary to regularly organise information campaigns. These campaigns must give information in a clear and concise way regarding the educational provision at pre-school, primary and secondary levels. These campaigns should also aim to:

- convince parents of the importance of quality education for their children
- stimulate parents to support the maximum involvement of their children at the different education levels
- assist parents in guiding their children in their career choices.

3.For generations the travelling circus families have been excluded from the formal school process as a result of their mobile lifestyle. They historically have sought to be self sufficient, independent and resourceful. The imperative to change this negative cycle comes from sources outside and within the circus community. The rapidly changing social, economic and legislative circumstances have signalled the need to add formal education skill to existing family taught skills.

Social inclusion being on the European and national legislative agendas must direct public service providers to evaluate and establish policies and practices that would ensure resources and actions to end the educational and social exclusion of the circus families.

4.The major challenges are the social exclusion, often related to a lack of intercultural awareness, and the discontinuity of the learning experience.

There is a variety of models that can be developed:

- outreach services
- mobile schools
- travelling teachers (tutors who are able to visit families during the travelling season)
- Open and Distance Learning.

In some of the Members States some of these models (are combinations) are already tested and /or implemented.

To be successful the model must include:

- initiatives focused on involving the parents
- initiatives raising awareness of the teachers
- the development of follow-up systems to enable children's progress to be recorded systematically during the travelling season.

5.As a means of addressing discontinuity and exclusion Open and Distance Learning can have a central place. Recent years have seen the beginnings of good practice in some EU Member

<sup>278</sup> Received in May 2002. Written by: EFECOT (European Federation for the Education of the Children of Occupational Travellers), Grensstraat 6 Rue de la Limite, B-1210 Brussels, Ludo Knaepkens, Director ([ludo.knaepkens@efecot.net](mailto:ludo.knaepkens@efecot.net)).

States. These experiences have learned that the so called “School-based ODL Model must be recommended. The ODL approach must be embedded in the regular school system. Therefore the winter-base school (= The school attended by the learner during the non travelling periods) must be encouraged and trained to be effective in offering distance learning support.

6.The added value that the use of ICT can offer in the various models –including in the School-based ODL model- must be explored and tested.

7.The educational programmes of the EU must enable and support the implementation of these recommendations at the level of the Member States.

8.The Resolutions of the Council of Ministers of Education of the EU (1989) regarding the Education of the Travelling Communities were a milestone for these populations. Via these Resolutions the process of the European collaboration was established. The exchange of information and experiences and the sharing of expertise started. Also the circus community got involved in these processes. These processes gradually led to the development of a European wide network.

The EU must enable the further development of this European Networking and Collaboration regarding the education of the Circus Community.

With regard to the co-ordination of this European Networking and Collaboration the EU-Institutions, together with the Member States have to develop a core-funding model. Without realistic support, EFECOT the co-ordinator of this network cannot survive or will be reduced to an organisation with a very limited scope for action and impact.

9.Within the frame of the European Network a “European Pool of Circus Teachers” must be established. This pool can act a service for the travelling circus families /artists (in particular those who travel and work transnationally) and support the learner’s individual school career wherever the learner is travelling.

The establishment of this service can start as a pilot project with the support of the EU and some Member States (related to a number of learners/families/artists).

ANNEX III

*Copy of a letter to the European Circus Association (the letter is addressed formally to Association of Dutch Companies because the secretary of ECA is the same as for VNCO)*

**RAOUL GIBAUT**

Valence le 4 novembre 2002

Monsieur Arie OUDENES  
VERENIGING NEDERLANDSE CIRCUS ONDERNEMINGEN  
Association of Dutch Compagnies  
De Lagune 24 - 3823 TS  
AMERSFOORT LAND

Monsieur le Secrétaire,

Vous prie de bien vouloir excuser le retard apporté à la présente démarche, je viens vous exposer les insurmontables difficultés que rencontrent les artistes étrangers souhaitant présenter leurs animaux en France. Ces difficultés frappent tous les artistes qu'ils résident dans la communauté européenne ou hors communauté.

Ainsi, il est quasiment impossible aux artistes européens de se produire sur notre territoire, le ministère de l'environnement et de l'écologie français refusant de reconnaître les équivalences des certificats de capacité de la communauté. Notre réglementation leur fait, en conséquence, obligation de posséder un certificat de capacité français. Certificat qu'il leur est, par ailleurs, impossible d'obtenir. C'est, par exemple, le cas d'Alex LACEY avec son groupe de fauves.

Le cas est différent pour les artistes résidants hors communauté européenne qui se sont vu attribuer un certificat probatoire d'un an, certificat qui ne deviendra définitif qu'après avis favorable de la commission d'attribution française. L'artiste ne pourra, cependant, obtenir ce certificat définitif qui lui est indispensable que lorsqu'il se trouvera en France avec ses animaux. Si cette exigence paraît normale, la suite de la procédure permettant l'introduction des animaux l'est beaucoup moins. En effet, l'administration a poussé très loin le vice en exigeant que l'artiste soit en possession d'un certificat définitif pour pouvoir prétendre à la délivrance d'une dérogation sanitaire. Document qui précisément lui est indispensable, lors son entrée en France avec ses animaux. Ceci se traduit donc par l'aberration suivante : pour pouvoir rentrer sur notre territoire l'artiste doit être en possession d'une pièce qu'il ne peut obtenir qu'en étant sur le sol français.

D'autre part, par le passé les directeurs de cirques avaient la possibilité d'être capacitaires, ceci leur permettant de faire bénéficier les artistes étrangers de leur couverture. Il semble qu'actuellement le certificat de capacité ne soit attribué qu'aux seuls artistes travaillant réellement avec les animaux.

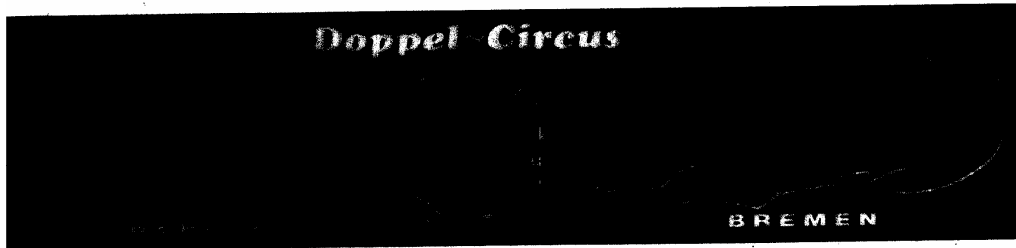
Enfin, autorisations d'ouverture et réglementation des transports tendent par ailleurs, à rendre impossible la présentation d'animaux sauvages en France. Il devient dès lors indispensable que l'administration française reconnaisse enfin les règlements européens.

Dans cet espoir, je vous prie de recevoir, Monsieur le Secrétaire, mes confraternelles salutations.

Raoul GIBAUT

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Copy of a letter from Laurens Thoen (circus manager) to the European Parliament



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Ihr Zeichen

Ihr Schreiben vom

Unser Zeichen  
LTh/se

Tag  
01.06.2002

Der Zirkus in der EU

Sehr geehrter Herr Bauer,

wie zugesagt anbei eine Rapportage über die Schwierigkeiten die Zirkusunternehmen bei ihrer internationalen Tätigkeit innerhalb der EU auf ihrem Weg finden. Wir basieren uns dabei auch auf Erfahrungen die wir selbst auf unseren Auslandstourneen gemacht haben oder die uns von Kollegen berichtet wurden.

Diese Zeilen erheben keinen Anspruch auf Vollständigkeit - sicherlich könnte dieses Thema noch ausgeschöpft werden, doch reicht es hoffentlich als Ansatz zu einer Studie, vielleicht zu einer Diskussion über die angesprochene Problematik.

Für Rückfragen stehe ich selbstverständlich stets zur Verfügung !

Mit freundlichen Grüßen nach Luxembourg !

Laurens Thoen

Anlagen

**Über 115 Jahre Deutsche Circus-Kunst !**

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Obwohl innerhalb der EU der Grundsatz der freien Berufs- und Gewerbeausübung gilt, sieht die Wirklichkeit in der Zirkusbranche anders aus. Dies betrifft sowohl die Unternehmen als auch die individuellen Künstler, die sich mit den von ihnen entwickelten (und finanzierten) Darbietungen von den Zirkusunternehmen engagieren lassen.

Unseres Erachtens besteht das Hauptproblem darin, daß der gesetzliche Status des Zirkus nicht einheitlich geregelt ist. Während Zirkusbetriebe in einigen Ländern Gegenstand kulturpolitischer Maßnahmen sind, werden sie in anderen Staaten einfach als Gewerbebetrieb eingestuft - auf gleicher Ebene wie z.B. "fliegende Händler" auf den Märkten. Die Eigenarten des reisenden Zirkusbetriebes sind mit den vielen gesetzlichen Vorschriften und Verordnungen nicht immer in Einklang zu bringen und führen zu Problemen, mit denen die direkt zuständigen behördlichen Dienststellen schlicht überfordert sind.

In mehreren EU-Staaten, wie Frankreich, Italien und neuerdings auch im flämischen Teil Belgiens wird der Zirkus als Kulturgut anerkannt und unterliegt er spezifischen gesetzlichen und subventionsgebundenen Regelungen. In anderen Ländern, wie z.B. in der Bundesrepublik Deutschland, Österreich oder in den Niederlanden bestehen zwar einzelne Initiativen zur Förderung der Zirkuskunst (meist auf privater Basis mit "moralischer" Unterstützung seitens einer lokalen Kulturbehörde) doch fehlt hier eine kulturpolitische Auseinandersetzung mit dem Phänomen "Zirkus" - man nimmt ihn gar nicht wahr.

Aber auch in jenen Ländern die sich kulturpolitisch mit dem Zirkus beschäftigen, tragen die gesetzlich verankerten Regelwerke der Internationalität des Zirkusgewerbes nicht immer Rechnung und stellen eine - möglicherweise - Behinderung der Bespielung durch auswärtige Unternehmen im betreffenden Land dar. Auch die Aktivitäten individueller Künstler finden Hürden auf ihrem Weg wenn es um die Betätigung in der EU geht. Nachfolgend einige Beispiele:

#### - Bau- und Sicherheitsvorschriften

In den verschiedenen EU-Staaten gelten immer noch völlig unterschiedliche Normen für technische Ausrüstung und Brandschutz. Namentlich Deutschland und Frankreich kennen äußerst detaillierten Vorschriften hinsichtlich der Konstruktion und Ausführung von Zeltbauten und Sitzeinrichtungen sowie strenge Sicherheitsbestimmungen betreffend Fluchtwege, Überwachung, Schwerentflammbarkeit der Materialien usw. die von eigens dazu berufenen Institutionen (TÜV in Deutschland, "Bureau de

Vérification Chapiteaux, Tentes, Structures" in Frankreich) ausgearbeitet und überprüft werden. Auf lokaler Ebene erfolgt die Überprüfung der Einhaltung der Vorschriften anhand des "Prüfbuches" bzw. "Registre de Sécurité" durch die örtlichen Bau- und Brandschutzbehörden. Einige Länder handhaben eigene Normen die sich stark an die deutschen oder französischen Vorschriften orientieren (z.B. in den Niederlanden, Luxemburg oder Österreich) während z.B. in Belgien kaum solche Regelungen bekannt sind. Teilweise unterscheiden sich diese Regelwerke so sehr von einander, daß eine Anpassung im Falle einer Tournee außerhalb des eigenen Landes oft kaum zu realisieren ist.

In der Praxis hat man in Deutschland oft versucht Zwischenlösungen bei Gastspielen ausländischer Zirkusunternehmen zu finden - manchmal unter politischer Druck, wie z.B. bei Gastspielen von sogenannten "chinesischen" oder "russischen Staatszirkussen" - während die französischen Behörden sich eher stur stellen, auf die strikte Einhaltung der dortigen Vorschriften beharren und ausländischen Zirkusunternehmen schlichtweg die Gastspielbewilligungen verweigern mit Hinweis auf die Nicht-Erfüllung der gesetzlichen Normen. Hier könnte der Verdacht aufkommen, die Normen würden auch dazu dienen, die einheimischen Zirkusunternehmen gegen ausländische Konkurrenz zu schützen.

Auf jedem Fall täte hier eine Angleichung der Sicherheitsnormen innerhalb der EU - erste Ansätze dazu gibt es im Bereich des Schaustellerwesens - dringend Not um die uneingeschränkte Betriebsausübung innerhalb der EU zu gewährleisten und einen nicht hinnehmbaren Konkurrenzschutz auszuschließen.

#### - Subventionsregelungen

Während eine Subventionierung des Zirkus bzw. von Einrichtungen die sich mit der Förderung oder Entwicklung der Zirkuskunst beschäftigen in den meisten EU-Staaten völlig fehlt und - von einzelnen lokalen Ausnahmen abgesehen - auch kulturpolitisch überhaupt nicht zur Debatte steht, erfahren Circusunternehmen in Italien (bereits seit den 60-er Jahren) und im gewissem Maße auch in Frankreich staatliche Unterstützung durch direkte Subventionierung oder durch den gesetzlich geregelten Verzicht (bzw. durch das Einräumen von Sonderkonditionen) auf Erhebung von Platzgeldern sowie Strom- und Wasserverbrauchs-kosten. Zirkusunternehmen aus Italien können bei Auslandsgastspielen mit Ausgleichszahlungen durch das für Tourismus zuständige Ministerium rechnen. So lohnt es sich für italienische Zirkusbesitzer durchaus, regelmäßig das Ausland zu bereisen, auch wenn die dort zu erzielende Resultate an sich nicht immer verlockend sind... Ausländische Unternehmen können Italien jedoch kaum noch bereisen, da die Behörden die Bewilligungen erst gar nicht in Aussicht stellen und Gastspiele höchstens in "Partnerschaft" mit einem italienischen Unternehmen erfolgen können. Hier wäre die Frage zu klären, in wie weit eine deutliche Verzerrung



des freien Wettbewerbes und der freien Berufsausübung - strittig mit geltendem EU-Recht → gegeben ist.

- Ausländer-/arbeitsrechtliche Bestimmungen

Die Attraktivität der Programme ist Voraussetzung für die Konkurrenzfähigkeit und damit für den künstlerischen und wirtschaftlichen Erfolg eines jeden Zirkusunternehmens. Auf der Suche nach originellen, hochwertigen Darbietungen kommt man um Artisten aus den früheren "Ostblockstaaten" kaum herum. Die kulturpolitische Bedeutung der Zirkuskunst im früheren kommunistischen System führte zu umfangreichen Ausbildungsprogrammen für Artisten, Tierlehrer und Clowns, wobei Experimente und Neu-Entwicklungen Gegenstand eingehender Studien waren und für einen hohen Standard sorgten. Immerhin war die Verpflichtung kompletter Programme oder einzelner Darbietungen ins "kapitalistische" Ausland für die damaligen Regimes eine willkommene Devisenquelle.

Nach dem Zusammenbruch der kommunistischen Welt blieben die Ausbildungsinstitute größtenteils bestehen, wie z.B. in Moskau. Ja sogar in Berlin fand die in der DDR gegründete "Staatliche Fachschule für Artistik" ihre Fortsetzung mit Unterstützung der zuständigen Behörde der Hauptstadt Deutschlands !

Zwar gibt es in mehreren Städten westeuropas ebenfalls Einrichtungen die sich mit der Ausbildung zum Artistenberuf beschäftigen, doch agieren diese meistens aus privater Initiative und richten sie sich eher auf die Variétébühnen als auf die Zirkusmanegen. Denn das Potential an zirkus-geeigneten Darbietungen in West-Europa fällt eher gering aus. Soweit die Entwicklung neuer "Nummern" nicht innerhalb einer der traditionellen Artistendynastien erfolgt (und auch hier gibt es mehr "Aussteiger" aus früher) ist der Aufwand für den Aufbau einer eigenen konkurrenzfähigen Attraktion von einzelnen Personen kaum noch zu tragen. Man vergleiche diese Tatsache mit den Ausbildungs- und Trainingsprogrammen für Leistungssportler, die ohne Förderungsmaßnahmen oder Sponsoring ebenfalls kaum zu realisieren wären. Die von den bestehenden "Artistenschulen" kommenden Darbietungen weisen zwar qualitativ einen guten Standard auf, werden jedoch meistens von Einzelpersonen oder Duos bestritten und eignen sich qua Konzeption kaum für die Manege, die ganz andere Voraussetzungen mit sich bringt als die eher beschränkte Variété- oder Theaterbühne.

So ist der Zirkusbesitzer auf die Verpflichtung von Artisten "aus dem Ostblock" zum Teil angewiesen, will er ein wirklich attraktives Programm zeigen. Bei der Erteilung von Arbeits- und Aufenthaltserlaubnissen tun sich die Behörden - unter Berufung auf die strengere einschlägige Gesetzgebung

in den EU-Staaten - oft schwer und bereiten den Zirkusunternehmern größten bürokratischen Aufwand, offenbar um ihnen die Verpflichtung von Künstlern aus Drittstaaten möglichst zu verleiden. Es scheint, als würden hier andere Maßstäbe angelegt als im Bereich des Sports, der "großen" Kultur oder Massenunterhaltung, wo Fußballprofis, Star-Dirigenten und -tenöre ebenso wie Pop-Größen aus allen Herren Ländern ungehindert ihre Aktivitäten entfalten können und den hiesigen Veranstaltern zu prall gefüllten Kassen verhelfen. Auch kommt es immer wieder zu Gastspielen von fernöstlichen Artistenensembles (medienwirksam als "Staatzirkus" verkauft), oft verknüpft mit politischen Interessen, die dann plötzlich als "Kultur" angesehen werden und für die offensichtlich keine bürokratischen Hindernisse bestehen.

Dabei darf niemals vergessen werden, daß die Artistik seit etwa 200 Jahren eine weltumfassende Zunft darstellt. Künstler aus Fernost gab es im Zirkus des frühen 20. Jahrhunderts ebenso zu bestaunen wie große westeuropäische Artistenfamilien, die umgekehrt auf eigener Faust nach Südamerika oder Ostasien reisten um sich dort zu "produzieren" wie es damals im Artistenjargon hieß... Und Zirkusensembles aus dem Zarenreich des 19. Jahrhunderts waren in Berlin, Paris oder Amsterdam ebenso angesehen wie die Darbietungen jener italienischen Künstlerdynastie der "Truzzi" die nach der Oktoberrevolution maßgeblich an der Gründung des sowjetischen Staatszirkus beteiligt war. Heutzutage wird diese kosmopolitische Eigenschaft der Zirkuskunst zunehmend durch gesetzliche Einschränkungen bedroht, wobei die Frage zu stellen wäre, ob dies bei der Verabschiedung dieser Regelwerke überhaupt beabsichtigt gewesen ist oder einfach übersehen wurde.

Was soll der Zirkusbesitzer davon halten, wenn er bei einer Gastspielreise in ein anderes EU-Land - trotz "Schengen"-für seine Künstler aus Drittstaaten wiederum neue Arbeitserlaubnisse bzw. Entsendungsbewilligungen beantragen muß, verbunden mit erneut hohen Gebühren ? In wie weit wird der Zirkus hier im Vergleich mit anderen Bereichen (wie oben erwähnt) regelrecht diskriminiert ?

#### - Tierschutz

In praktisch allen EU-Staaten bestehen Tierschutzgesetze, die in der Praxis wiederum erhebliche Unterschiede in der Handhabung der Vorschriften bezüglich der Tierhaltung in Zirkusunternehmen aufweisen. Ja sogar innerhalb eines Staates (wie z.B. in Österreich) kann es gravierende Unterschiede zwischen einzelnen Verwaltungseinheiten (in diesem Fall Bundesländer) geben, die dazu führen, daß die Haltung bestimmter Zirkustiere in einigen Städten oder "Ländern" verboten ist, während sich andere Verwaltungsbereiche eher neutral verhalten. Das Zirkusunternehmen das selbst Tiere besitzt oder der individuelle Tierhalter der sich mit seinen Darbietungen engagieren läßt, sieht sich in

den einzelnen Ländern mit völlig unterschiedlichen Normierungen hinsichtlich der Tierhaltung konfrontiert, wobei es oft um Detailfragen geht, wie Abmessung von Käfigwagen, Boxen oder Außengehegen, und wo Anpassungen oft nicht kurzfristig und ohne großen Kostenaufwand möglich sind. Auch hier wird dann die unvermeidbare Nicht-Einhaltung der im betreffenden Land geltenden Normen zu Verweigerung erforderlicher Bewilligungen führen und sogar zu gravierenden Bußgeldern. Wie im Bereich der bereits besprochenen Bau- und Sicherheitsvorschriften ist auch auf dem Gebiet des Tierschutzes eine EU-weite einheitliche Regelung dringend notwendig, wobei der Sinn einer vernünftigen Tierschutzgesetzgebung von der Branche durchaus eingesehen wird - auch um "schwarzen Schafen" das Handwerk zu legen.

Selbstverständlich lassen sich die oben geschilderten Fragen nicht von heute auf morgen lösen - nationale Interessen und bestehende lokale Vorteile lassen sich nicht einfach verdrängen. Wenn es jedoch gelingen würde, den kulturellen Wert der Zirkuskunst und der Zirkusunternehmen auf EU-Ebene festzuschreiben und in die Kulturpolitik einzubinden, könnte dies in den einzelnen Mitgliedsstaaten als Signal verstanden werden, sich mehr mit dem Thema "Zirkus" zu beschäftigen und wo vorhanden, gesetzliche Benachteiligungen aus dem Wege zu räumen.

Laurens Thoen

Tourneeleiter des Circus Busch-Roland / Bundesrepublik Deutschland.

**Copy of a letter from Arie Oudenes (European Circus Association Secretary) to the European Parliament**



Association for the Promotion of Circus arts and Culture

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your letter	your ref.	our ref.	date
		eca02-10-05	24-10-2002
subject	Situation of Circuses in EG		

Dear Mrs. Marketa Vavreckova,

In spite of all his promises (even yesterday) I did not receive any information of Mr. Gibault (Cirque Medrano – France) concerning the troubles foreign circuses will have when they want to work with animals in France.

The information below (written in Dutch) I received from several other circuses in the Netherlands and Germany.

Problemen die circussen hebben bij het werken in een ander EG land.

- VISA problemen en werkvergunningen.  
In het algemeen hebben circussen (ook in eigen land) grote problemen met het verkrijgen van werkvergunningen voor medewerkers en artiesten van buiten de EG. Dit probleem wordt nog versterkt, wanneer ze in Duitsland en Oostenrijk willen werken. Deze landen kennen zogenaamde deelstaten. De regelgeving voor het verstrekken van werkvergunningen verschilt per deelstaat. Daarnaast moet vaak gecommuniceerd worden door de deelstaten met een centrale landelijke organisatie. Deze procedures kosten erg veel tijd en energie van circusedirecties.
- Regelgeving rond tijdelijke constructies  
Er ontbreken Europese richtlijnen voor de bouw van circustenten en het toezicht op die bouw. Elk EG land heeft zijn eigen regelgeving. Men wenst de normen en bouwboeken in een andere taal niet te lezen. Zo weigert men in Nederland het Duitse bouwboek (een kwalitatief zeer hoogstaand document) te lezen. Recent worden ook in Spanje (rond Barcelona) dergelijke ervaringen opgedaan. Vertaling en aanpassing van bouwboeken kost erg veel extra geld voor circusedirecties, omdat steeds opnieuw een bouwboek gemaakt moet worden bij de tent, dat moet voldoen aan de regelgeving van het betreffende land. Zo is ons een circus bekend, dat bij één tent zeven verschillende certificaten heeft.
- Brandveiligheidseisen.  
Ook hiervoor zijn (nog) geen Europese normen. Een van de grootste problemen op dit moment is de normering op brandveiligheid en brandvertraging van tentdoek. In zell dat voor circustenten gebruikt wordt staat geen serienummer. Soms wel een kwalificering "code M", bijvoorbeeld. Een circus moet dan in de diverse landen onder notaris toezicht een deel uit het zell knippen en laten testen om alsnog toestemming te krijgen.

Arie Oudenes ECA secretaris

Betreffende de brandveiligheidsnormen (opstellen van de tent en de wagens, aangeven van vluchtroutes en dergelijke) is ook geen Europese regelgeving. Zelfs per land is dit veelal niet vastgesteld, waardoor per gemeente door de verantwoordelijke brandweerofficier een vaak verschillende beoordeling gegeven wordt.

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