

Stockholm, 11 september 2026

Introduction

The Swedish Union for Performing Arts and Film ("Scen & Film") represents performing artists, professional authors as well as technical and administrative staff working in the Swedish performing arts, film, radio, television and cinema sectors. Scen & Film is also the sole owner of Upphovsrätt Scen & Film AB, which administers copyright, including the collection and distribution of copyright remuneration. Scen & Film is one of Copyswedes 14 member organizations and a member of KLYS. The union represents groups whose professional activities and livelihoods are significantly affected by the ongoing development of generative AI.

In light of this, Scen & Film welcomes the opportunity to submit its views in response to the European Commission's Call for Evidence for an AI strategy for the Cultural and Creative Sectors.

As a union deeply committed to protecting the livelihoods, working conditions and intellectual property rights of creators and cultural workers, we firmly believe that technological progress must never come at the expense of human artistry and fair compensation. Generative AI presents significant challenges to our sectors, making a coordinated, human-centric European approach more urgent than ever.

Scen & Film wishes to highlight the following core priorities and concerns in relation to the proposed strategy.

AI versus Human Creation

For Scen & Film, the impact of AI on the labor market in the cultural and creative sectors is a central and alarming concern. AI has the potential to transform, and is already in many ways, transforming tasks and professional roles throughout the sector. In the performing arts and film industries, these developments are already becoming tangible. Technology can, for example, be used to create synthetic performers, digital avatars and synthetic voices, as well as to automate or streamline parts of production. While we welcome technological development, we recognize the risk of losing the respect for fair terms and fair remuneration for those working in the industry.

It is therefore not sufficient to monitor how rapidly AI is being adopted within the cultural sector. The EU must also monitor the consequences of these developments for the people working in the sector. A European approach to AI in the cultural and creative sectors should therefore include a clear labor-market perspective and examine how AI

affects employment, working conditions, incomes, professional roles and cultural workers' ability to make a living from their work.

The development of AI in the film industry illustrates this challenge clearly. While technology may make it possible to produce films more cheaply and lower the threshold to the industry, a development in which productions can be carried out with significantly fewer professionals may also make it increasingly difficult to make a living from artistic professions.

Scen & Film shares the Commission's view that AI should complement rather than replace human creativity. However, Scen & Film believes that this principle needs to be developed further. Artistic work is not limited to the finished product presented to an audience. The artistic process is based on human experience, interpretation, choices, interaction, and the ability to experiment, reflect and revise. These processes are often what give artistic expression its distinctive character and quality

This also has a direct legal dimension. Copyright protection is generally connected to a human creative contribution and to the existence of an identifiable rights holder. As AI systems become increasingly autonomous, the connection between the human contribution and the resulting output may become less clear. The crucial question should therefore not simply be whether an AI system can technically produce something creative, but whether and to what extent a human being has made the creative choices that justify legal protection and economic rights.

When AI is used to increase efficiency, there is a risk that precisely those aspects of artistic work that require time, experience and artistic judgment come to be regarded primarily as costs that should be reduced. Scen & Film therefore stresses that productivity cannot be the sole measure of a successful AI transition in the cultural and creative sectors. Artistic quality, human creativity, diversity and the possibility of pursuing professional artistic work must also be considered central objectives.

This is also important from a cultural perspective. A strong and lively culture depends not only on the ability to produce content efficiently, but also on the existence of a sufficiently large and diverse community of professional creators who can develop different artistic perspectives, forms and expression. A smaller creative community would also mean less nuanced and diverse voices and perspectives. It could also make it more difficult for new, experimental or less commercially successful forms of art to grow and reach audiences. In the end, this could also be detrimental to basic principles of a democratic society, such as freedom of speech and freedom of expression, and their impact on the broadening of minds and education of its citizens.

There is also a risk that relying on AI could create a generic and uncreative landscape. AI systems could overlook new, niche or daring expressions. Therefore, the future of AI strategy should not look only at how AI can boost productivity, but rather on how the technology can undermine artistic quality, creativity and the ability to preserve a wide range of cultural expression.

This is particularly important when AI is used to create or reproduce human performances. For performing artists, the voice, the body and the human presence are fundamental elements of artistic work. When an existing recording can be used to generate new material without the original performer participating again, this changes not only the conditions for future employment but also the relationship between a performer and the use of their own artistic identity and performance.

AI may allow a voice, image or performance to become detached from the human performer behind it. This raises questions concerning consent, control, attribution and remuneration. A performer should not lose meaningful control over the commercial use of their performance merely because the performance can be converted into digital or synthetic form.

There is also an important distinction between using technology as a tool in a human creative process and allowing a system to generate material with little or no meaningful human creative intervention. This distinction should be reflected in the development of European policy. Where a human artist makes the relevant creative choices, existing copyright and related rights should continue to provide effective protection. Where an AI system generates material autonomously, the legal consequences should be sufficiently clear to avoid uncertainty regarding ownership, exploitation, fair remuneration and responsibility.

The EU strategy should therefore examine how the use of AI and digital performances affects competition between human labor and synthetic content. It should also address how the economic gains generated by AI-driven efficiency should be distributed. If AI makes cultural production faster and cheaper, but the savings are primarily achieved by employing fewer cultural workers, technological development may simultaneously weaken the creative economy that the strategy is intended to strengthen.

An additional concern is that legal uncertainty may disproportionately affect individual artists. Large companies may have the resources to negotiate contracts, enforce rights and pursue legal remedies, while individual performers and freelancers often do not. Scen & Film therefore stresses that the AI transition must not result in a situation in which formal rights exist on paper but are difficult for individual cultural workers to exercise in practice.

A fair and sustainable AI-transition

The Commission emphasizes the importance of AI literacy and how upskilling and reskilling matters inside the creative sectors. Scen & Film agrees with this focus, but stresses that the responsibility for transition cannot be solely placed on individual cultural workers.

The labor market in the creative sectors differs from many other sectors. The vast majority of cultural workers work on projects as freelancers or on short-term contracts. This means that access to long-term professional development and training often is limited. EU support for the AI transition must therefore provide access to training for freelancers and self-employed cultural workers.

There is a need for training both in the practical and artistic use of AI and in understanding how technology is changing professional roles and labor markets. At the same time, skills development must not become a way of placing the entire responsibility for the transition on the workers. Employers, sector organizations, trade unions and public authorities must all share the responsibility for ensuring a fair transition. Scen & Film also believes that workers and their representatives must have an opportunity to shape how AI is introduced in the cultural sector. Cooperation between performers, as well as other rights holders, and AI developers must include the professionals affected by the technology and their trade unions.

When AI is introduced into film and TV-productions, it can change tasks, affect staffing levels, alter working environments and impact employment conditions. Trade unions should therefore have a clear role in the EU's continued work in this area. The EU should support dialogue about AI in the cultural and creative sectors and ensure that worker representatives are involved in the development of strategies, deadlines and funded projects.

AI should not be introduced in a manner that weakens existing contractual protections or collective bargaining agreements. If the use of AI changes the nature of artists' work, replaces tasks, or enables performances or other creative contributions to be reused in new ways, these changes must be addressed through transparent contracts, collective bargaining, and proper negotiation with the workers and trade unions concerned.

As outlined above, this is particularly important for the use of performers' voices, images, likenesses and recorded performances. Consent given for one production should not be seen as approval for creating new synthetic performances or using a performer's identity in contexts that were never part of the original agreement. Workers must have control over how their creative contributions are used.

The principles of transparency and accountability are therefore essential. Cultural workers should be able to understand when AI is being used in a production, how their performances or personal characteristics are being used, for what purposes, and whether the resulting material can be reused or modified. Without such transparency, it becomes difficult for individuals to exercise meaningful control over their rights.

This is also important for the ambition to strengthen cultural and linguistic diversity. If AI is primarily used to produce the most predictable, commercially viable or statistically probable content, there is a risk of increased homogenization. Human artists on the other hand bring experiences, perspectives and ways of expressing themselves that are naturally diverse.

Cultural diversity also means having a variety of people who work and create in the field. A strong professional cultural sector requires continued opportunities for people to enter, develop and sustain careers in artistic and creative professions, such as costume and makeup designers, set designers, editors and artistic practitioners

The EU funding programs, including Creative Europe, Digital Europe and Horizon Europe, should therefore not only support the development of new technologies.

Funding should also support the people and organizations that use these technologies and are affected by them. EU-funded projects should, among other things, be assessed in terms of their effects on employment, professional roles, skills development, cultural diversity and the protection of artistic rights.

Legal certainty, rights and remuneration

The development of AI makes it increasingly important to distinguish between the technological capacity to generate content and the legal rights connected to that content.

European copyright law is based on the protection of creative works and the interests of authors and other rights holders, including creative professionals such as editors, cinematographers and production designers. At the same time, performers have their own legally protected interests in their performances. AI creates situations in which these categories may overlap. A synthetic voice, digital likeness or generated performance may be based on material originating from a human performer or other creative professional without constituting a simple reproduction of the original work or recording.

As discussed above, AI may allow a voice, image or performance to become detached from the human performer behind it. This creates a risk that technology could outpace the law. The EU must ensure that new uses of content enabled by AI do not fall outside the scope of legal protection simply because they do not correspond to traditional concepts of reproduction, performance, or authorship.

This shows the necessity for a unified European strategy. As AI-generated content continues to be created, used and distributed across borders, the differences between national legislation may lead to different levels of protection and legal uncertainty. As such, Scen & Film believes that effective and coherent regulations should primarily be defined at the EU level, while also allowing for complementary measures on a national level.

The issue of authorship should also not be separated from the question of economic rights. If AI-generated content can generate significant commercial value, there must be clarity concerning who is entitled to exploit that content and on what basis. At the same time, the absence of a human author should not automatically mean that companies using AI are free to exploit material derived from human creative labor without appropriate safeguards.

The guiding principle should be that technological transformation must not weaken the economic and moral position and rights of cultural workers. Where human creative or artistic contributions are incorporated into AI-generated outputs, those contributions should remain legally and economically meaningful.

Legal certainty is vital, for investment and new ideas. Clear rules help both cultural workers and companies see which uses are allowed, which need permission and where payment is due. The goal is not to stop innovation but to set rules that let new ideas grow while protecting basic copyrights and fair remuneration.

Concluding remarks

Scen & Film shares the European Commission's ambition for Europe to benefit from the opportunities offered by AI and to develop an innovative and competitive cultural and creative sector. Scen & Film does not oppose development or the use of AI in culture. The key question is how this development is implemented and who benefits from it.

Scen & Film therefore urges that the forthcoming AI strategy should:

- Ensure that AI is used to help and strengthen human artistic work, rather than as a general tool for replacing professional cultural workers;
- Include a clear view of the labor market and monitor how AI affects employment working conditions, roles and the ability of cultural workers to earn a living.
- Ensure that cultural workers, freelancers and self-employed people have real access to skills development and transition support;
- Involve trade unions and worker representatives when designing and implementing the strategy;
- Ensure that the introduction of AI does not undermine existing employment rights, collective agreements or contractual protections;
- Examine how AI and digital performances affect future employment opportunities for performing artists;
- Improve and strengthen legal certainty concerning the use of performers' voices, images, likenesses and recorded performances;
- Ensure that consent to use of a particular artistic performance is not automatically treated as consent to unlimited AI-generated reuse or modification;
- Ensure transparency concerning the use of AI in film and TV-productions and the use of cultural workers' performances or personal characteristics;
- Ensure that human creative contributions remain protected and economically meaningful when they are incorporated into AI-assisted or AI-generated production;
- Safeguard human creativity, artistic quality and cultural diversity as fundamental elements of Europe's cultural landscape; and
- Ensure that EU funding programs contribute to a fair and sustainable AI transition, in which technological and economic gains benefit the cultural sector as a whole.

Culture's most important resource is people. The European AI strategy should not ask what AI can do for cultural and creative sectors, but also what is needed to keep people able to create, work and earn a living in a sector where AI grows more present.

A sustainable European approach to AI in culture must make sure that tech development and human work can grow side by side. AI should be a tool that strengthens culture and the people who create it, not a process that gradually makes human artistic work redundant.

Technological progress should not be judged by how much human work can be replaced, but, by whether new technology can make the cultural ecosystem stronger so that artists, performers, creators and other cultural workers can keep working, innovating, getting paid a fair remuneration and building lasting careers. The European AI strategy should

ultimately provide a framework in which innovation, artistic freedom, human creativity and legal protection reinforce rather than undermine one another.