

*CHARTE D'ACCUEIL DES CIRQUES
DANS LES COMMUNES*

**CHARTER FOR HOSTING
CIRCUSES IN TOWNS**

DROIT DE CITÉ POUR LE CIRQUE

**« ESTABLISHMENT FOR
THE CIRCUS »**



Preamble

Today's circus

For two centuries the circus has enriched France's cultural heritage. The circus arts have undergone renewal in their traditional and contemporary forms. They have benefited from a popular base and have attracted growing audiences. This ensemble of artistic disciplines has been the framework for innovation and large-scale international creations. Thanks to numerous schools, high-level professional training programmes, firms and artistic companies, the circus is a sector that creates structured forms of employment. It is also a popular educational practice, as seen in the proliferation of amateur schools and the increase in audience attendance. The circus comes in a variety of forms, with different economic and artistic motivations, but all forms share in the desire to reach new territories and a wide audience. From the city centre to its surrounding areas, and into the rural territories, the circus brings, along with its circus tent or equipment, performances and art forms that merit support and further development. Playing a decisive role in the cultural life of the country, local authorities, and specifically small towns, are interested in developing artistic practices that contribute to the liveliness of their locality. The state has demonstrated its commitment to supporting these artistic disciplines through the grants the Ministry of Culture has provided for schools, artistic companies, businesses and festivals. This charter has the following objectives: To encourage discussion between local authorities and the circus professions; To improve the hosting conditions for circuses within towns; To open up new spaces for artistic companies and circus businesses; To respond to the public's wishes by making today's circus accessible to all; To cooperate in putting in place security norms and regulations; To initiate partnerships based on innovative projects in the field of artistic education, training and cultural action; To better inform professionals and services of the local authorities with regards to this sector.

Legal Sources

This chart is subject to the legislative and regulatory measures in place regarding circus arts activities in France. These are:

- The ruling of October 13, 1945, regarding performances.
- The security regulations for circus and circus tent performances, which fall under both the security codes of the ERP* (General code of local authorities, Urban Planning code, Construction and Housing codes, the ruling of June 25, 1980 regarding security regulations against fire in the ERP, the decree of March 8, 1995 regarding the CCDSA**) and the specific measures regarding circus tents, tents and structures (CTS) contained in the ruling of January 23, 1985.
- Articles 2212-1 and 2212-2 of the general code of local authorities (CGCT) determining the authority and role of the municipal police.
- Article 2213-6 of the CGCT regarding parking permits.
- The labour code and the social security code.
- The Washington convention of 1973, which has been applicable in France since 1977.
- Directive 95/29/CE of the Council of June 29, 1995, modifying directive 91/628/CEE regarding the protection of animals in transport.
- Decree 87-223 of March 26, 1987 regarding the use of animals in public performances and games.
- Articles L 213-2 and R 213-2 to R 213-4 of the rural Code setting the conditions for issuing licenses for the upkeep and public presentation of live, non-domestic animals.

* Establishments receiving an audience

** Consulting departmental Commission of safety and accessibility

1. HOSTING

The hosting procedure governs relations between the town and the circus business or artistic company.

It serves as a guarantee for both parties and allows them to better organise the event of the circus' arrival in the town.

The town commits itself to making room for the circus by converting one or several spaces in order to accommodate it.

Through regular hosting, the town will be able to insure frequent appearances by circus businesses or artistic companies, all the while encouraging artistic renewal by being open to new shows and performances.

The procedure

At least two months prior to its first performance date, the circus business or artistic company will supply the town with a complete and precise request specifying its installation needs. The request will include:

- Copy of the performing license issued by the regional direction of cultural affairs (DRAC).
- The security register duly completed by the managing organiser.
- Proof of multi-risk liability insurance.
- If necessary, certification for the upkeep and public presentation of live non-domestic animals, issued by the Ministry of Environment.
- Proof of registration with the Chamber of Commerce (Kbis).
- Technical descriptive of the circus tent (area, bleacher capacity, amount of time needed for instalment and removal, layout), convoy and supplementary installations.
- A memo describing the show.
- The touring calendar and name of the supervisor.
- If need be, further information regarding the business or artistic companies' specific needs (materials, configuration of the space, network access, comfort issues, etc.).

The mayor and the town services involved will review all professional requests based on their technical needs as well as their cultural value, and will communicate their response no later than two months after receiving the dossier, in order to allow ample time for businesses and artistic companies to schedule their tours.

Taking into account the cultural value and services provided by the companies or businesses in question, and after compiling an estimate of the overall cost, the town might consider granting a partial or total exoneration of the fees for use of the grounds, municipal equipment, or other services made available to the circus.

The town will designate a specific representative in charge of:

- Informing the business or artistic company of the answer to its request.
- Serving as an intermediary to the pertinent municipal services.
- Communicating all information necessary to insure the circus is adequately accommodated.

Acceptance notices of requests will include:

- The name of the representative in charge of the file within the town, and its referent within the business or company.
- The performance dates.
- The location in question.
- The amount of fees involved for using the space as well as any necessary down payments.

- Any information specifically needed for the circus' installation (electricity, gas, telecommunications, water distribution, technical services, material supplies, postings and publicity).

All denials will be expressed in writing.

2. INSTALLATION

During the circus' installation, town services will have to work in close cooperation with the professionals.

The business or company commits itself to respecting and maintaining the host space and environment.

An inventory of fixtures will be filled out in the presence of both partners upon the circus' arrival.

The business or company will respect all regulatory measures and individual decisions made regarding its stay within the town's territory.

The grounds fees and other taxes

The amount of grounds fees is based on the number of performance days. The town may in its billing, by duly motivated decision, exclude days needed for installation and removal.

A fraction of the grounds fees will be paid upon reserving the site. The remaining balance will be paid upon arrival or after the last performance.

Technical details

The town will provide the circus businesses or companies with a location that is satisfactory in relation to the spaces it has available, and in compliance with the criteria laid out in Annex 1 of the charter.

The hosting space must be recognised, by municipal services and the public, as a space conducive to cultural events and festivals.

3. THE PERFORMANCE

The circus business or company will respect all relevant legislation regarding labour and social codes.

The circus business or company will present a performance that is representative of what is depicted in its sales documentation.

Publicity

The town will facilitate informing residents, cultural centres, associations, educational structures, and the press of the circus' arrival.

The town will offer use of its publicity material (city furniture, town billboards, newsletters...) and will facilitate the distribution of the circus business or company's documents.

The business or company will respect all legislative, regulatory, national and local measures regarding posting and publicity.

Security

The partners are aware of the information contained in Annex 2 of this charter. The circus business or company will take all necessary precautions regarding the security of goods and people during the performance.

4. THE CULTURAL ACT

Promoting a cultural exchange is only effective if the local government or circus have a project to offer. This project could consist of a special event in honour of the circus' arrival, or it could be part of a mid to long-term event. In order to achieve this, the circus businesses or companies will be sure to inform the involved administrations and organisations (the regional director of cultural affairs, the French Federation of circus schools, the HorsLesMurs association) of their touring calendar and of their cultural projects in order to allow clearer identification of their activities.

Some potential activities could be:

- The town enters in a partnership with the circus business or company for the show's distribution (tour promotion and organisation, co-production...).
- The town requests the artists' presence to participate in raising awareness of the circus arts (initiation, workshops, gatherings, open rehearsals, interventions within educational structures or the neighbourhood, etc.).
- As part of an official project, the town puts the circus in contact with interested institutions or associations (structures or events specifically for the circus arts, performance establishments, libraries, conservatories, art schools, cultural activity centres, youth and culture centres, municipal centres, federations for popular education, rural foyers, etc.).
- As part of developing an official project (residency, conversion of a space, educational act, neighbourhood events...) the town will put the circus in contact with other towns, the department, region, or a public establishment for inter-communal cooperation.

APPLYING THE CHARTER

The signatory organisations, representative associations of local government, and professional trade unions commit to distributing and promoting this charter among its members in order to support and develop the hosting of circuses throughout the national territory.

The Ministry of Culture agrees to distribute and promote this charter among the relevant representatives (State services, local governments, professionals), most notably at the level of its regional direction of cultural affairs. It will log the adhesion of towns, circus companies and businesses agreeing to comply with this charter. The Ministry of Culture and Communication will pay special attention to the conditions involved in the issuance of performance licenses, most notably through the creation of a digital national registry keeping track of those who comply with this agreement.

A Commission of representatives from the Ministry of Culture and Communication, the AMF, the FNCC of professional trade unions and the HorsLesMurs association will be in charge of overseeing the carrying out of principles laid out by this charter. The Commission may gather, at the request of one of its members, at least twice a year, in order to come up with recommendations that may help signatories, towns and businesses or companies in applying this charter.

An updated list of the towns, businesses and companies adhering to the charter will be made available on request at the DRAC or the HorsLesMurs association.

HOW TO ADHERE

The towns willingly adhere to the totality of principles and recommendations laid out in this charter. They will pass on the signed document (the entire text of this charter as well as the enclosed act of adhesion) to the regional body in charge of cultural affairs within their territory so as to appear on the list of adherents.

The town's presence on this list will amount to official adherence to the charter.

Circus companies and businesses shall present a file of adhesion to the charter to the cultural affairs administration that has issued their performing license.

The file shall include:

- The text of the charter duly signed (the entire text of this charter as well as the enclosed act of adhesion).
- The identification number found on of their performance license issued by the Regional Direction of Cultural Affairs (DRAC).
- Proof of registration with the local chamber of commerce (Kbis) or the association's updated statutes.
- Updated copy of security registry.
- Proof of current multi-risk liability insurance.
- Environmental Ministry-issued certification of competence in the upkeep and public presentation of live non-domestic animals, if appropriate.
- On the basis of this file, circus companies and businesses will be placed on the list of signatories.
- The inclusion of a circus business or company on this list will amount to adhesion to the charter.
- Any adherent to the charter (town, circus business or company) can at any moment request to be removed from the charter list. This request must be made in writing with the locality's assigned Regional Direction of Cultural Affairs.

Signatories:

Ministry of Culture and Communication

Association of French Mayors

National Federation of Towns or Communes for Culture

Trade Union for the new forms of circus arts

Trade Union of Franco-European circuses

National Circus Trade Union

TOWN'S ACT OF ADHESION
TO THE CHARTER REGARDING THE HOSTING OF CIRCUSES WITHIN TOWNS
ESTABLISHMENT FOR THE CIRCUS

The town of

hereby agrees to respect the overall principles laid out in this charter regarding its responsibilities in hosting circus businesses and artistic companies.

For the town of

The Mayor,

Signed in , on
.....

**CIRCUS COMPANY OR BUSINESS' ACT OF ADHESION
TO THE CHARTER REGARDING THE HOSTING OF CIRCUSES WITHIN TOWNS
ESTABLISHMENT FOR THE CIRCUS**

The business or company

hereby agrees to observe the measures of this charter with greatest respect for the town's current regulations and authorities.

For the business or artistic company.....

The President

Director

Manager*

*Cross out the irrelevant title names.

Signed in....., on

ANNEX 1

THE TECHNICAL INSTALLATION CONDITIONS OF CIRCUSES IN CITIES

1) Access to the host area

There must be a preconceived access and parking plan for the vehicles involved in the circus and its performance. This includes:

- Ample rotation room for trailers with a possible length of 24.50 meters.
- At least two site entrances, on opposite sides if possible, to allow access to emergency vehicles.

In most cases a municipal order must regulate parking around the site area. This order must be posted at least 48 hours before the circus arrives. Temporary modifications of the town's parking could be necessary to allow the convoy to reach the host area. In any case, the municipal order regarding parking must take into account the time necessary to install and remove the circus tent, and should be clearly posted on site.

2) Information on existing networks and access to networks

The site must not have any flight routes within its direct environment.

The town must be able to provide a layout descriptive including electrical capacities on the ground. This exonerates the town of liability should a network be damaged during instalment. The circus' insurance will be responsible for fees resulting from such damage. This document will above all serve as a guarantee for the security of the technicians working to install the circus tent.

The circus must have access to networks, with water sources, electrical sources (two or three different ones preferably), telephone sources, as well as evacuation capabilities for used water, floodwater, and runoff water.

In any case, the town representative must enable the circus to contact all relevant network services (EDF-GDF, France Télécom, water management companies, technical services).

3) The overall state of the site

The conversion of public spaces often involves aesthetic criteria on top of the technical demands imposed by the installation of a circus tent, or any other "portable" structure.

While the priority is to be able to install the circus tent under good conditions, there are also certain ideal criteria worth mentioning. On site: absence of trees, street lamps, stone obstructions, cumbersome pillars, or unmovable metallic structures.

As for the structure of the ground itself, the performance can be on dirt or grass. In any case, it is preferable that it be level, and with a certain compactness in depth.

If no other show involving the installation of a structure (bleachers, circus tents...) has been performed on the site, a study of the stability of the ground must be carried out beforehand.

The ground covering can be of many different kinds: everyday material, asphalt, gravel, etc. It is important to know that asphalt coverings will be damaged if, as is often the case, clips are needed to install the circus tent.

4) Facilities at the hosting area

Quality of the ground:

There are hidden or portable anchoring systems such as the “anchor well” or “mono-blocks”, made of cast-iron or concrete (2 tons). Aside from their aesthetic qualities, these conversion options have the advantage of not damaging the surface and thus facilitating upkeep.

Configuration and cleanliness of the site:

- There must be a water source available at the edge of the site along with the capability of expelling rainwater.
- A container for garbage must be installed prior to the circus' arrival, and the waste must be removed daily.
- Set, portable or towed shower facilities may be installed.
- Security of the hosting area:
 - The circus must delineate the installation area and post a sign forbidding public entry.
 - The town must provide police barriers upon the circus' arrival, so as to allow the public to find its way to the circus tent.
 - The circus must be able to set a physical border between the “circus tent space” and the “camp space”.

ANNEX 2

PERFORMANCE SAFETY AND CIRCUS TENTS

NB: The Ministry of the Interior involved in insuring the safety of audience-hosting establishments (ERP), as well as fire and crowd safety, will liaise to this effect with the relevant municipal authorities and especially their departmental commissions of public access and safety.

Subject to legislative or regulatory modifications as well as to the sovereign rule of the courts, the following recommendations may be followed:

1) Adapted regulations and efficient procedures

Security regulations for circus performances include, on one hand, general texts concerning security within the ERP (General Code of local governments, Urban Planning Code, Code on construction and housing, the order of June 25, 1980 regarding security regulations against fire in ERPs, the decree of March 8, 1995 regarding the CCDSA*), and on the other hand, measures specific to circus tents, tents and structures (CTS) contained in the modified order of January 23, 1985.

As this document is not exhaustive, we wish to roughly restate the crux of this measure as well as the larger phases of its procedure.

Attestation of safety and circus tent inspections:

The goal of this regulation is, first of all, to insure that all circus tents that host audiences are identified and contain a security file confirming the construction's sturdiness, for the CTS's capable of holding over 300 people, the structure's mechanical stability, the cover's reactivity to fire as well as crowd and fire safety.

Chronologically, the construction's sturdiness is validated by the report of an inspection office certified by the Ministry of Facilities, Housing and Transportation (such as Véritas). The structure's mechanical stability as well as the cover's reactivity to fire will be the subject of a report carried out by a CTS inspection office that has been approved** by the Ministry of the Interior.

* Consulting departmental Commission of safety and accessibility

** There are currently three inspection offices that are approved by the Ministry of the Interior: the BVCTS, the ATH firm and Jean Gotlibowicz.

Finally, the Consulting Departmental Commission of Safety (CCDSA) will compile an assessment addressing issues of fire and crowd safety, as specified in article CTS 3.

These inspections will be part of the safety file to be submitted to local government, which will then decide whether or not to grant or refuse documentation confirming the project's compliance with safety norms. Once this documentation is issued, an identification number can be issued to the circus tent. This number will appear on the safety registry issued to the circus tent owner and posted on the canvas. Lastly, the circus tent is to undergo inspection every two years.

Regarding permission to open an ERP, and the safety commission's role... According to article L 2212-1 of the general code of local governments (CGCT), the mayor alone has authority over the general police in his or her town. For this reason, the mayor is the guarantor of public safety, tranquillity and health, and therefore has exclusive authority in deciding to open an ERP. As a circus tent has the particularity of being a mobile structure, the mayor can request a visit from the safety commission at each and every instalment*. Therefore, when contacting the mayor, the tent owner must leave sufficient time for the mayor to request an assessment from

the safety commission, or at least one month before the performance. Once again, however, this assessment is not mandatory.

The safety and accessibility commissions, whether they are departmental, municipal, or from a neighbourhood structure, are only competent in matters involving fire and crowd safety in the event of a fire. Therefore, after an on-site inspection of the validity of the establishment's safety registry, their inspections will address matters of fire, the risk of panic, handicap accessibility and the presence of evacuation pathways in the event of an emergency exit. The goal will be to insure that the circus tent benefits from adequate safety conditions in the location where it is installed.

Whether the safety commission's assessment is favourable or not, it does not guarantee the mayor's decision one way or the other, since the mayor bears the sole responsibility over the event and is therefore the final decision-maker. Local elected officials have frequently evoked the large weight of this responsibility.

* Generally, for a circus that uses the same set-up for each installation, it is not always necessary to call on a safety commission. In the case of renters, however, the set-up is likely to change with each installation, in which case, a safety commission inspection will be necessary.

The facts have shown that circus tent safety works best when regulations and procedures are respected. In practice, mayors must be given the necessary means to insure the safety level of circuses hosted by the town.

2) Several levels of responsibility

The mayor's legal responsibility:

The mayor has an overall responsibility for the safety of goods and people within the borders of his or her town. This responsibility can be brought to question in the criminal courts in the case of criminal negligence (which is rare) whether it be intentional or not. In the case of damages brought about during a circus performance, the elected official will be held legally responsible "if it is found that the official has deliberately neglected a direct safety obligation laid out by the law or regulations" (article 121-3 to 4 of the Penal Code).

In deciding whether or not to open an establishment to the public, the mayor can request an assessment from the safety commission, arrange a visit before the establishment's opening, or request technical verifications to be analysed by a competent organisation (like an inspection bureau).

The business owner's legal responsibility and liability:

Aside from general compliance with regulations (Civil code and CTS), it is essential for the owner of the business using the circus tent to purchase insurance coverage (multi-risk liability insurance, "work damage" insurance). The Ministry of Culture has taken steps towards this effect by, in 2001, making proof of adequate insurance mandatory for renewing or issuing any performance license from the Regional Direction of Cultural Affairs (DRAC).

The owner is also responsible for insuring that the technical staff is fully qualified (certain training courses are mandatory) and the chief installer has a "sufficient level" of qualifications. Indeed, the owner of the CTS must be able to provide the safety commission with sufficient documentary evidence that "the installation and the anchoring to the ground were carried out so as to insure the public's safety"^{**}. On this point, it is important not to neglect the already existing technical capabilities of the circus domain, but rather to emphasise them.

* Since 1985 there have been no mortal accidents involving incidents of fire or panic in the presence of an audience.

** Decree of June 22, 1995

Regarding the foreman and owner's legal responsibility and liability... If the damage is caused by an inherent problem in the structure, the owner can seek damages from the circus tent owner or manufacturer. Furthermore, according to the decree of June 22, 1995 in the CCDSA, HorsLesMurs – Charte pour l'accueil des cirques dans les communes – Droit de cité pour le cirque – 8/12/2008

“the foreman holds an essential part of the responsibility regarding the safety and sturdiness of the work carried out”. Nonetheless, we will note that the precise role of the foreman in matters of the CTS is still unclear.

3) The building permit requirement

According to article L 421-1 of the urban planning code, “Anyone wishing to undertake or install any construction for housing purposes or otherwise, even if no foundations are involved, must obtain a building permit beforehand”. However, in the 4th paragraph of this same article, it is also stated that “undertakings which, due to their nature or small scale, can not be called construction” are excluded. A non-exhaustive list of these undertakings is given in article R 421-1. Circus tents are not included in this list.

First of all, it is important to know which category circus tents fall under. The Ministry of Facilities has confirmed the building permit requirement, but has not addressed potential criteria for exemption. Nevertheless, in answer to a parliamentary question on the matter*, the housing minister was able to reiterate that “taking into account the non-exhaustive nature of the list of undertakings mentioned in the said article R. 421-1, it is also agreed that subject to the courts’ sovereign rule, small-scale circus tents or tents installed for a short duration are not subject to the building permit requirement, as the length of their presence can be less than the length of instruction for such an authorisation”. From a jurisprudence standpoint, we may consider that the building permit requirement is still valid. However, it is also possible for small-scale circus tents and tents installed for a limited duration to not be subjected to this requirement.

However, one may also consider that these “generally accepted” criteria are not entirely pertinent. From a practical point of view, to require a building permit for the installation of a circus amounts to blocking access to the cities, since it is most often the case that “the length of their presence is less than the length of instruction for such an authorisation”.

* National Assembly – June 21, 1999 (JO September 25, 2000)

In terms of safety, the “small-scale” criteria seem inadequate since the risk involved is clearly the same regardless of structure’s size. The central safety commission of the Ministry of the Interior has reiterated in a recent assessment that it is not a matter of size, but rather of the length of time spent onsite. Thus, the building permit requirement is admissible under two possibilities. First, if the circus tent will be present for “a prolonged amount of time” and for a period of over six months. Secondly, if the circus tent is a “permanent installation”, or “immobile by nature”.

Furthermore, we will remark that circus tents do not operate outside of regulatory inspection. We have seen that there are already procedures and inspection processes in place that have been recognised for their efficiency. In conclusion, building permit requirements could be softened for these structures. This question should, according to the State Secretary of Housing, be “examined with close attention”, “as part of the application decrees of the law regarding urban renewal and solidarity (...)”.

Lastly, the central safety commission has confirmed “that the attributions of the safety commissions (decree of March 8, 1995), whether they are solicited as part of the review of a safety file, or as part of an inspection before opening to the public, do not include the inspection based on an application, or lack thereof, for a building permit”. In other words, a safety commission cannot draw up a negative assessment for opening the structure to the public based simply on the fact that the structure does not have a building permit.

* National Assembly – June 21, 1999 (JO September 25, 2000)

ANNEX 3

REMINDER OF APPLICABLE RIGHTS REGARDING CIRCUS ANIMALS

1) The upkeep and public presentation of non-domestic live animals.

The use of animals in performances is strictly regulated in French law. First of all, a certificate of competency must be issued by the Ministry of the Environment or by the prefect to the person designated as responsible for the animals. The certificate is issued to the individual and for specific species based on the experience and diplomas displayed by the applicant, and after assessment by a specialised commission. The certificate of competency does not only entail the presentation and upkeep of the animals, but also the facilities and functions of the establishment accommodating them (article R 213-2 to R 213-4 of the rural Code).

Circus businesses that present non-domestic animals in their shows must also obtain authorisation before the opening of their establishment. A precise file must be submitted to the prefect of the department where the establishment is located. The prefect may then order a public investigation and request the assessment of the site's departmental commission. Lastly, the authorisation can include requirements concerning public safety and health, the identification, sanitary inspection and protection of the animals (article R 213-5 to R 213-19 of the rural Code).

Violating the integrity of the animal, abuses and acts of cruelty, are all punishable offences within the Penal Code. It is also forbidden to modify the animal's characteristics by surgery or medical substances except when justified for health purposes. These infractions are punishable by fine (decree 87-223 of March 26, 1987 regarding the use of animals in public shows and games).

2) The transportation and commerce of animals.

The international transportation of animals is addressed by a European convention*, which regulates the time of travel, the vehicle's facilities, the feeding and the identification of the animal. These measures were part of European directives and regulations (1991, 1995, 1998) and are therefore applicable in French law.

The Washington convention of 1973, applicable in France since 1977, regulates the international commerce of species of wild, endangered flora and fauna. These species are categorised according to their degree of protection and any exportation or importation within the European Union must include the issuance of a specific permit.

* European convention on the protection of animals during international transportation, open for signing in Paris, December 13, 1968 and applicable in France since 1974.