



EUROPEAN COMMISSION

Brussels, 23.5.2012
C(2012) 3186 final

REPORT FROM THE COMMISSION

**on measures to protect and promote the diversity of cultural expressions in the
framework of the 2005 UNESCO Convention.**

{SWD(2012) 129 final}

1. THE 2005 UNESCO CONVENTION

Adopted in 2005 and in force since 2007, the UNESCO Convention on the protection and the promotion of the diversity of cultural expressions (thereafter 'the Convention') forms the first pillar of global governance in cultural matters. This is the only UNESCO Convention to which the European Union (thereafter 'EU') is a Party.¹

The Convention sets out a comprehensive set of guiding principles relating to the diversity of cultural expressions in national policies and international cooperation. Its scope exceeds the remit of culture policies to encompass policy areas with a direct or indirect impact on the diversity of cultural expressions. These policy areas can help establish a regulatory and support environment enabling cultural expressions to be created, disseminated and shared locally, regionally and with the rest of the world and includes copyright, state aid, taxation, information society and digitisation, education, international cooperation and trade, development cooperation, among other.

Parties to the Convention are required to submit periodic reports every four years on measures taken to protect and promote the diversity of cultural expressions on national and international levels. The first reporting exercise was launched in October 2011, with a set deadline for the submission of reports on 30 April 2012. Each periodic report should comply with the requirements laid out by UNESCO.²

In the framework of EU's obligations as a Party to the Convention, the European Commission was invited to submit the quadrennial periodic report on behalf of the EU.

Member States participating in this reporting exercise will submit individual reports on measures taken at national level.

The ensemble of the submitted reports illustrate the range of policies and the variety of measures across the EU aimed at protecting and promoting the diversity of cultural expressions, which help sustain the positive impact of the cultural and creative sectors on European societies and economies.

2. THE QUADRENNIAL PERIODIC REPORT

The periodic report of the EU presents policy areas falling within the scope of the Convention in which measures exist at European level.³ Such measures may be of regulatory, legislative, institutional, policy or financial nature. Presented measures mainly date after the ratification of the Convention by the EU on 18 December 2006; in selected cases, previously existing measures are mentioned based on their relevance to the principles of the Convention.

¹ The Council Decision 2006/515/EC on the conclusion of the Convention stipulates that 'the UNESCO Convention constitutes a relevant and effective pillar for promoting cultural diversity and cultural exchanges, to which both the Community, as reflected in Article 151(4) of the Treaty, and its Member States, attach the greatest importance'.

² Framework for Quadrennial Periodic Reports approved by the Conference of the Parties to the UNESCO Convention (3rd ordinary session June 2011).

³ Measures taken at Member State level are covered in the reports of the 24 EU Member States concerned by this reporting exercise.

The Convention strengthens the obligation of Parties to mainstream culture in other policy areas and take into account the specificity of cultural expressions. This has been a long standing obligation for the EU. The Treaty of the Functioning of the EU (Article 167, TFEU) stipulates that the EU 'shall take cultural aspects into account in its action [...], in particular in order to respect and to promote the diversity of its cultures.' In other words, culture should be mainstreamed in internal and external EU policies.

As a Party to the Convention, the EU has the legal obligation to implement the Convention when exercising its competences in policy areas falling within the scope of the Convention, in particular the common commercial policy⁴, development cooperation, economic, financial and technical cooperation with third countries, free movement of goods, persons, services and capital, competition, and the internal market including intellectual property.⁵

In general, aspects relating to policies on language, youth or media are not covered in the report, while these policies may include components or activities specifically aimed at the protection and promotion of the diversity of cultural expressions. By the same token, as specialised Conventions on the protection of cultural heritage exist, cultural heritage policies and measures are not included, except when relating to cooperation, awareness-raising, access and diversity. Only isolated examples of these policies are presented based on their immediate relevance to the scope of the Convention.

The key elements and contents of the periodic report are highlighted in the following section.

The accompanying Staff Working Document presents a detailed overview of policy areas where measures on the protection and promotion of the diversity of cultural expressions exist at European level. Member States and the civil society were associated during the preparation of the Staff Working Document.

3. THE IMPLEMENTATION OF THE CONVENTION AT EU LEVEL

The diversity of cultural expressions lies at the heart of the European project. The EU has developed a vision for the role of culture in its policies which is premised on the principle 'unity in diversity'. This vision is driven by the will to create a vibrant space of cooperation and exchange, stimulating the creation and circulation of more and diverse cultural expressions, allowing for broader and better access to cultural expressions and putting in place the appropriate conditions in which creativity and diversity may thrive.

The implementation of the Convention by the EU is not a specific legislative activity but rather the pursuit of policy developments both as regards internal and external policies. This report presents measures running the gamut of EU policies impacting on the diversity of cultural expressions in the context of the Convention. It covers measures specifically designed for the cultural and audiovisual sectors, as well as measures influencing the environment in which these sectors operate such as information society, internal market including intellectual property rights, industrial and innovation policy, competition including state aid, taxation as relating to cultural expressions, cohesion policy, common commercial policy, development

⁴ Trade is an exclusive competence of the EU. It will therefore be covered in the EU report and not in the reports submitted by Member States.

⁵ The policy areas listed here are according to Annex 1(b) to the Council decision 2006/515/EC (the Community's declaration of competence).

cooperation and economic, financial and technical cooperation with third countries. Diverse as they may be, the presented measures reflect a shared policy objective: to ensure an enabling regulatory and support environment for artists, cultural enterprises and cultural institutions in the EU. In this environment, artists may create and disseminate their work while enjoying high protection for their works and a simplified legal environment to operate across borders; cultural enterprises find support to address the challenges posed by globalisation and the digital shift and, more recently, the financial crisis; and cultural institutions can reaffirm their role as harbingers of creativity and custodians of our cultural heritage. Moreover, culture is a standard feature of EU international cooperation instruments and in its bilateral agreements with third countries. Cultural cooperation with third countries is formulated through different means and objectives. Cooperation and policy dialogue may be based on reciprocity, mutual learning and sharing of best practice, as may be the case of industrialised or emerging partners. Cooperation with developing partners seeks, on one hand, to enhance the diversity of cultural expressions and facilitate access and, on the other, to support the development of local cultural policies and structural capacities conducive to socio-economic development. In addition, a new instrument the "Protocol on Cultural Cooperation" has been developed to promote the principles of the Convention and its implementation in the context of bilateral trade negotiations. Cooperation and policy dialogue with partners across the board is anchored on the Convention, with the objective of promoting its ratification and implementation in different parts of the world.

The EU has been actively supporting the implementation and ratification of the Convention. It has also helped to lay conditions for providing technical assistance to developing countries, for instance, by mobilizing EU funds to set up an expert facility on cultural governance run by UNESCO.

The principles of the Convention lie in the background of the EU dialogue with civil society. Moreover, the civil society has actively contributed to the preparation of this report.

The implementation of the Convention is in its early stages. Sustained focus and political support are required to address the challenges lying ahead and ensure that the positive momentum following the adoption of the Convention will be sustained and further translated into concrete results on the ground.