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#### NOTE

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From:	Permanent Representatives Committee (Part 1)
To:	Council
No. prev. doc.:	13635/16 CULT 98 EDUC 342 RECH 295 RELEX 882 CODEC 1503
No. Cion doc.:	11856/16 CULT 72 EDUC 268 RECH 259 RELEX 707 CODEC 1286
Subject:	Proposal for a Decision of the European Parliament and of the Council on a European Year of Cultural Heritage (2018) - <i>General approach</i>

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#### I. INTRODUCTION

1. On 31 August 2016, the Commission submitted to the Council its proposal for a European Year of Cultural Heritage (2018)<sup>1</sup>. The objective of this initiative is to raise awareness of the opportunities that cultural heritage bring, mainly in terms of intercultural dialogue, social cohesion and economic growth. At the same time, the European year aims at drawing attention to the challenges that cultural heritage is facing, among which is the impact of digital shift, environmental and physical pressure on heritage site and illicit trafficking of cultural objects.

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<sup>1</sup> doc. 11856/16.

2. In terms of measures to achieve the objectives of the European Year, the Commission is proposing information and promotion campaigns, events and initiatives to be taken at European, national, regional and local levels. National coordination of the activities is ensured through the appointment of national coordinators by Member States, while the Commission is responsible for coordination at EU level. At international level, cooperation will be sought in particular with the Council of Europe and UNESCO. Finally, the Commission proposal does not foresee a separate financial envelope for the European Year, but instead is seeking the implementation via existing EU programmes, in particular Creative Europe, but also ESIFs, Horizon 2020, Erasmus+ and Europe for Citizens.
3. There is an important time factor regarding the adoption of this decision: since the European Year is foreseen to take place in 2018, preparation activities at both national and EU level must start during 2017.
4. The leading European Parliament's committee on this file is the Committee on Culture and Education (CULT). On 8 September 2016, the Committee appointed as rapporteur Mr Mircea DIACONU (RO-ALDE).
5. The Committee of the Regions adopted its resolution at its plenary session on 11-12 October 2016.

## II. WORK IN THE COUNCIL

6. Under the Slovak Presidency, the Cultural Affairs Committee examined the proposal at its meetings in September and October 2016<sup>2</sup>, and Coreper did so at its meeting of 9 November 2016.

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<sup>2</sup> 2, 13 and 26 September, 13 and 28 October.

7. The text, containing both recitals and articles, as it results from the examination of the Council's preparatory bodies is annexed to this note. Among the main provisions that were modified are the following:
- **Article 2(-1):** a new overall objective was added to underline the role of cultural heritage in a broader political and social context,
  - **Article 2(2):** some new specific objectives were added to highlight the accessibility (point ca)), environmental issues (point da)) and historical anniversaries that will take place in 2018 (point ka), also **recital 14a**). In the objective dealing with education, focus was put on children and vulnerable groups (point h)),
  - **Article 3** (content of measures): the role of Europeana, the EU digital platform for cultural heritage, was emphasised (point c)), new activity was added which emphasise the use of media and social networks in promoting the European Year (point da)), and competences of Member States and the Commission were clarified in paragraphs 2 and 3,
  - **Article 4:** it was clarified that the organisation of the Year at national level is under the responsibility of Member States and that Member States can appoint more than one national coordinator if needed,
  - **Article 5:** a new task was given to the Commission to consult civil society and stakeholders active in cultural heritage,
  - **Article 6** and **recital 11:** the role of the Council of Europe was underlined,
  - **Article 7:** the emphasis on the financing of the Year from the Creative Europe Programme was reduced.

8. Further changes have also been made in the following parts of the text;
- the term "Europe's cultural heritage" has been made consistent throughout the text,
  - **recital 7**: film heritage was added in the scope of cultural heritage,
  - **recital 22**: contributions at national level to the activities taking place in connection with the European Year can be made,
  - **Article 6a** on the protection of the financial interests of the Union was inserted,
  - **Article 8** (monitoring and evaluation): an evaluation report will ensure the legacy of the European Year.

### III. TASKS FOR THE COUNCIL

The text in Annex is supported by all delegations, subject to a parliamentary scrutiny reservation from the UK delegation. Council is invited to reach a general approach on this text.

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Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a European Year of Cultural Heritage (2018)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 167 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The ideals, principles and values embedded in Europe's cultural heritage constitute a shared source of remembrance, understanding, identity, dialogue, cohesion and creativity for Europe. Cultural heritage plays a role in the European Union, as stated in the preamble to the Treaty on European Union (TEU), which states that the signatories draw 'inspiration from the cultural, religious and humanist inheritance of Europe'.
- (2) Article 3.3 TEU states that the European Union shall respect its rich cultural and linguistic diversity, and ensure that Europe's cultural heritage is safeguarded and enhanced.

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<sup>3</sup> OJ C , , p. .

- (3) Article 167 TFEU gives the Union the task of contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore. Union action is to be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action, inter alia, in the area of improving the knowledge and dissemination of the culture and history of the European peoples, and in the area of conservation and safeguarding of cultural heritage of European significance.
- (4) As highlighted by the European Commission in its Communication ‘Towards an integrated approach to cultural heritage for Europe’<sup>4</sup>, cultural heritage is to be considered a shared resource and a common good held in trust for future generations, whose care is a common responsibility of all stakeholders.
- (5) Cultural heritage is of great value to European society from a cultural, environmental, social and economic point of view. Thus, its sustainable management constitutes a strategic choice for the 21st century, as stressed by the Council in its Conclusions of 21 May 2014 on 'cultural heritage as a strategic resource for a sustainable Europe'.<sup>5</sup> Its contribution in terms of value creation, skills and jobs, and quality of life is underestimated.

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<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions of 22 July 2014 Towards an integrated approach to cultural heritage for Europe COM(2014) 477 final.

<sup>5</sup> Council conclusions of 21 May 2014 on cultural heritage as a strategic resource for a sustainable Europe (2014/C 183/08) OJ C 183, 14.6.2014, p. 36.

- (6) Cultural heritage is central to the European Agenda for Culture<sup>6</sup> and contributes to its objectives which are the promotion of cultural diversity and intercultural dialogue, the promotion of culture as a catalyst for creativity, and the promotion of culture as a vital element in the Union's international relations. It is also one of the four priorities for European cooperation on culture for the period 2015-2018, as set out in the current Work Plan for Culture, adopted by the Council on 25 November 2014.<sup>7</sup>
- (7) Cultural heritage encompasses a broad spectrum of ‘resources inherited from the past in all forms and aspects — tangible, intangible and digital (born digital and digitised), including monuments, sites, landscapes, skills, practices, knowledge and expressions of human creativity, as well as collections conserved and managed by public and private bodies such as museums, libraries and archives’, as stated in the aforementioned Conclusions of 21 May 2014. Cultural heritage also includes film heritage.
- (8) Cultural heritage has been forged over time by the synthesis and combination of cultural expressions of the various civilisations that have populated Europe. A European Year will help to encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions. One way to achieve this would be through educational and greater public awareness programmes, in line with the obligations of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>8</sup> adopted by UNESCO on 20 October 2005, to which the EU and its Member States are party.

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<sup>6</sup> Resolution of the Council of 16 November 2007 on a European Agenda for Culture (2007/C 287/01) OJ C 287, 29.11.2007, p. 1.

<sup>7</sup> Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018) (2014/C 463/02) OJ C 463, 23.12.2014, p. 4.

<sup>8</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005, Paris, 20 October 2005

- (9) The UN Convention on the Rights of Persons with Disabilities, to which the EU and most of Member States are party, states in Article 30 on participation in cultural life, recreation, leisure and sport that States Parties recognise the right of persons with disabilities to take part on an equal basis with others in cultural life, and that they shall take all appropriate measures to ensure that persons with disabilities inter alia enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
- (10) The European Access City Award has shown it is both feasible and good practice to make cities' cultural heritage accessible for people with disabilities, elderly people, and those with reduced mobility or other types of temporary impairments, in ways which respect their nature and values.
- (11) Cultural heritage plays an important role for community cohesion at a time when cultural diversity is increasing in European societies. New participatory and intercultural approaches to heritage policies and educational initiatives that attribute equal dignity to all cultural heritages have the potential to increase trust, mutual recognition and social cohesion, as also shown by the international cooperation in the framework of the Council of Europe.
- (12) This is also recognised in the Agenda 2030 for Sustainable Development<sup>9</sup> which acknowledges global citizenship, cultural diversity and intercultural dialogue as overarching principles of sustainable development. It recognises that all cultures and civilizations can contribute to, and are crucial enablers of, sustainable development. Culture is explicitly mentioned in several Sustainable Development Goals of the 2030 Agenda and in particular in Goal 11 (Cities-Heritage), as well as in Goal 4 (Education), and Goals 8 and 12 (Sustainable growth/Consumption patterns) in relation to tourism.

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<sup>9</sup> United Nations Resolution adopted by the General Assembly on 25 September 2015  
Transforming our world: the 2030 Agenda for Sustainable Development



- (13) The increased recognition at international level of the need to put people and human values at the centre of an enlarged and cross-disciplinary concept of cultural heritage reinforces the need to foster wider access to cultural heritage, also in light of its positive effects on the quality of life. This can be achieved by reaching out to different audiences and by increasing accessibility to places, buildings, products, and services, taking into account special needs and the implications of demographic change.
- (14) Policies for the maintenance, restoration, conservation, re-use, accessibility, and promotion of cultural heritage and related services are primarily national, regional or local responsibilities. Nonetheless, cultural heritage has a clear European dimension being addressed through EU policies such as education, agriculture and rural development, regional development, social cohesion, maritime affairs, environment, tourism, the digital agenda, research and innovation, and communication, in addition to cultural policy.
- (14a) The year 2018 has a symbolic and historical importance for Europe and its cultural heritage, in particular as it marks the 100th anniversary of the end of World War I and the independence of several Member States. The European Year of Cultural Heritage can therefore offer opportunities to better understand the present through a richer and shared comprehension of the past.
- (15) In order to fully realise the potential of cultural heritage for European economies and societies, the safeguarding, enhancement and management of cultural heritage require effective participatory (i.e. multi-level and multi-stakeholder) governance and enhanced cross-sectoral cooperation, as stated in the Council conclusions on participatory governance of cultural heritage<sup>10</sup>. This involves all stakeholders, including public authorities, the cultural heritage sector, private actors and civil society organisations, such as NGOs and the voluntary sector.

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<sup>10</sup> OJ C 463, 23.12.2014, p. 1.

- (16) In addition, the Council in those Conclusions invited the Commission to consider presenting a proposal for a 'European Year of Cultural Heritage'.
- (17) The European Parliament, in its resolution of 8 September 2015, recommended designating, preferably for 2018, a European Year of Cultural Heritage.<sup>11</sup>
- (18) The European Committee of the Regions, in its opinion of 16 April 2014<sup>12</sup>, welcomed the proposal of the Council for a 'European Year of Cultural Heritage', stressing its contribution to the attainment of shared goals in the pan-European context.
- (19) Declaring a European Year of Cultural Heritage is an effective way of raising public awareness, disseminating information about good practices and promoting research and innovation as well as policy debate. By creating an environment for simultaneously promoting these objectives at Union, national, regional and local levels, it can achieve greater synergy and a better use of resources.
- (20) Cultural heritage is also a field of intervention in several programmes in the area of external relations — mainly but not exclusively in the Middle East. The promotion of the value of cultural heritage is also a response to the deliberate destruction of cultural treasures in conflict zones<sup>13</sup>. It will be important to ensure complementarity between the European Year of Cultural Heritage and all external relations initiatives developed within appropriate frameworks. Actions to protect and promote cultural heritage under relevant external relations instruments should, amongst other things, reflect the mutual interest associated with the exchange of experiences and values with third countries. It will promote mutual knowledge, respect and understanding of the respective cultures.

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<sup>11</sup> European Parliament resolution of 8 September 2015 towards an integrated approach to cultural heritage for Europe (2014/2149(INI)) P8\_TA(2015)0293.

<sup>12</sup> Opinion of the European Committee of the Regions — Towards an integrated approach to cultural heritage for Europe (2015/C 195/04) OJ C 195, 12.6.2015, p. 22.

<sup>13</sup> As highlighted in the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, "Towards an EU strategy for international cultural relations", JOIN(2016) 29 final.

- (21) While this Decision is addressed to Member States, Enlargement countries should nevertheless be closely associated with actions under the European Year of Cultural Heritage. The involvement of European Neighbourhood Policy countries and other partner countries should also be sought, as appropriate. This can be pursued under the relevant frameworks for cooperation and dialogue, particularly in the context of the civil society dialogue between the EU and these countries.
- (22) The safeguarding, conservation and enhancement of Europe's cultural heritage comes under the objectives of existing Union programmes. Therefore, a European Year can be implemented by using these programmes under their existing provisions and setting funding priorities on an annual or multiannual basis. Programmes and policies in fields such as culture, education, agriculture and rural development, regional development, social cohesion, maritime affairs, environment, tourism, the Digital Single Market Strategy, research and innovation, and communication contribute directly and indirectly to the protection, enhancement, innovative re-use and promotion of the European cultural heritage, and may support the initiative in accordance with their respective legal frameworks. National contributions additional to the cofinancing at EU level may be considered in order to support the objectives of the European Year.
- (23) The objective of this Decision is to encourage the sharing and appreciation of Europe's cultural heritage, to raise awareness of common history and values, and to reinforce a sense of belonging to a common European space. Given the need for transnational exchange of information and Union-wide dissemination of good practice, this objective cannot be sufficiently achieved by Member States alone, but can be better achieved at Union level. The European Union may therefore adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

HAVE ADOPTED THIS DECISION:

*Article 1*

**Subject matter**

The year 2018 shall be designated as the ‘European Year of Cultural Heritage’ (hereinafter referred to as the ‘European Year’).

*Article 2*

**Objectives**

- 1. The overall objective of the European Year is to encourage the sharing and appreciation of Europe's cultural heritage, to raise awareness of common history and values, and to reinforce a sense of belonging to a common European space.
1. The general objectives of the European Year shall be to encourage and support the efforts of the Union, the Member States and regional and local authorities, in cooperation with the cultural heritage sector and broader civil society, to protect, safeguard, re-use, enhance, valorise and promote Europe's cultural heritage. In particular:
  - (a) It shall contribute to promoting the role of Europe's cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. It should highlight the best means to ensure its conservation and safeguarding and its enjoyment by a wider and more diversified public. This includes audience development measures and heritage education, in full respect of the competences of the Member States, thereby promoting social inclusion and integration.

- (b) It shall enhance the contribution of European cultural heritage to the economy and the society, through its direct and indirect economic potential. This includes the capacity to underpin the cultural and creative industries and inspire creation and innovation, promote sustainable development and tourism, enhance social cohesion and generate long-term employment.
- (c) It shall contribute to promoting cultural heritage as an important element of the relations between the Union and third countries, building on the interest and needs in partner countries and on Europe's expertise on cultural heritage.

2. The specific objectives of the European Year of Cultural Heritage shall be to:

- (a) encourage approaches to cultural heritage policies that are people-centred, inclusive, forward-looking, more integrated, sustainable and cross-sectoral;
- (b) promote innovative models of participatory governance and management of cultural heritage, involving all stakeholders, including public authorities, the cultural heritage sector, private actors and civil society organisations;
- (c) promote debate, research and exchange of good practices on the quality of conservation, safeguarding, innovative re-use and enhancement of cultural heritage, and on contemporary interventions in the historical environment;
- (ca) promote solutions which make cultural heritage accessible to all, including via digital means, by removing social, cultural and physical barriers, taking into account special needs;
- (d) highlight and enhance the positive contribution of cultural heritage to society and the economy through research and innovation, including by strengthening the evidence base at Union level;

- (da) encourage synergies between cultural heritage and environment policies by integrating cultural heritage in environmental, architectural and planning policies, and by promoting energy-efficiency;
- (e) encourage regional and local development strategies that tap into the potential of cultural heritage, including through the promotion of sustainable tourism;
- (f) support the development of specialised skills, and improve knowledge management and knowledge transfer in the cultural heritage sector, taking into account the implications of the digital shift;
- (g) promote cultural heritage as a source of inspiration for contemporary creation and innovation, and highlight the potential for cross-fertilisation and stronger interaction between cultural heritage and other cultural and creative sectors;
- (h) raise awareness of the importance of the European cultural heritage through education and lifelong learning, in particular by focusing on children, young and elderly people, local communities and hard-to-reach groups;
- (i) highlight the potential of cooperation in matters of cultural heritage for developing stronger ties between Member States and with countries outside the EU and for encouraging intercultural dialogue, post-conflict reconciliation and conflict prevention;
- (j) promote research and innovation on cultural heritage; facilitate the uptake and exploitation of research results by all stakeholders, in particular public authorities and the private sector, and facilitate the dissemination of research results to a broader audience;

- (k) encourage synergies between the Union and its Member States, including strengthening initiatives to prevent the illegal trafficking of cultural goods; and
- (ka) highlight historical anniversaries in the year 2018 that have a symbolic importance for Europe and its cultural heritage.

### *Article 3*

#### **Content of measures**

1. The measures to be taken to achieve the objectives set out in Article 2 shall include the following activities at European, national, regional or local level linked to the objectives of the European Year:
  - (a) initiatives and events to promote debate and raise awareness of the importance and value of cultural heritage and to facilitate engagement with citizens and stakeholders;
  - (b) information, exhibitions, education and awareness-raising campaigns to convey values such as diversity and intercultural dialogue using evidence from Europe's rich cultural heritage and to stimulate the general public's contribution to cultural heritage protection and management and more generally in achieving the objectives of the European Year;
  - (c) sharing of experience and good practices of national, regional and local administrations, and other organisations, and disseminating information about cultural heritage, including via Europeana;
  - (d) undertaking studies and research and innovation activities, and disseminating their results on a European or national scale; and
  - (da) promote projects and networks connected to the European Year, including via media and social networks.

2. The Commission and the Member States, respectively at Union and national level, may identify other activities than those mentioned under paragraph 1 provided that they contribute to achieving the objectives of the European Year set out in Article 2.
3. The Commission and the Member States, respectively at Union and national level, may refer to the European Year and its logo in promoting activities referred to in paragraphs 1 and 2.

#### *Article 4*

#### **Coordination at national level**

The organisation of participation in the European Year at national level is a responsibility of Member States. To this effect, Member States shall appoint national coordinators. The coordinators shall ensure the coordination of relevant activities at national level.

#### *Article 5*

#### **Coordination at Union level**

1. The Commission shall regularly convene meetings of the national coordinators in order to coordinate the running of the European Year and to exchange information regarding its implementation at national and European level.
2. The Commission shall convene meetings of stakeholders and representatives of organisations or bodies active in the field of cultural heritage to assist it in implementing the European Year at Union level.



*Article 6*

**International Cooperation**

For the purpose of the European Year, the Commission shall cooperate with competent international organisations, in particular with the Council of Europe and UNESCO, while ensuring the visibility of the EU's participation.

*Article 6a*

**Protection of the financial interests of the Union**

1. The Commission shall take appropriate measures ensuring that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and inspections and, if irregularities are detected, by the recovery of the amounts unduly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.
2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks and inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Decision.

3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Council Regulation (Euratom, EC) No 2185/96<sup>14</sup> and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>15</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Decision.

#### *Article 7*

#### **Funding**

Co-financing at Union level of activities implementing the European Year shall be in accordance with the rules applicable, and within the existing possibilities for priority setting on an annual or multiannual basis, to existing programmes, such as the Creative Europe programme. Where appropriate, other programmes and policies, within their existing legal and financial provisions, may also support the European Year.

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<sup>14</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>15</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

*Article 8*

**Monitoring and evaluation**

By 31 December 2019, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the initiatives provided for in this Decision. The report shall include ideas for further common endeavours in the field of cultural heritage.

*Article 9*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 10*

This Decision is addressed to the Member States.

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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