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From:	Presidency
To:	Permanent Representatives Committee (Part 2)
Subject:	International cultural relations of the EU: handling in the Council -Approval

International cultural relations (ICR) of the EU, handling in the Council, commencing with the protection of cultural heritage

INTRODUCTION

Pursuant to Article 167 TFEU, the Union shall contribute to the flowering of cultures of the Member States. Union action shall be aimed encouraging cooperation between Member States and, if necessary, supporting and supplementing their action, *inter alia*, concerning the conservation and safeguarding of cultural heritage of European significance.

Paragraph (3) of Article 167 TFEU also states that “The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular de Council of Europe.”, and paragraph 4 of Article 167 TFEU recalls that the Union shall take cultural aspects into account in its action under other provisions of the Treaties.

RATIONALE

Several decisions and actions have already been undertaken in the field of safeguarding cultural heritage, including actions and initiatives in the external relations of the EU.

The policy framework for EU international cultural relations (ICR) shaped between 2016 and 2021 focuses on advancing cultural cooperation with third countries and their societies across three main strands:

- supporting culture as an engine for sustainable social and economic development;
- promoting culture and intercultural dialogue for peaceful inter-community relations;
- reinforcing cooperation on cultural heritage.

The 2018 Council conclusions on the need to bring cultural heritage to the fore across policies in the EU ([2018/C 196/05](#)) invite the MS and the Commission, within their respective areas of competence and in due compliance with the principle of subsidiarity, *“to continue to support cultural heritage as an important element in the EU's strategic approach to international cultural relations as well as in the promotion of intercultural dialogue”*.

In the 2019 Council conclusions on an EU strategic approach to international cultural relations and a framework for action ([2019/C 192/04](#)), the Council expressed its interest in strengthening the effectiveness and increasing the impact of EU foreign policy by integrating international cultural relations in the range of its foreign policy instruments. The conclusions also recognised the need for a cross-cutting approach to culture and inclusiveness.

The 2021 Council conclusions on the EU approach to cultural heritage in conflicts and crises (9837/21), recognised the role of cultural heritage as an important tool for peace, democracy and sustainable development and emphasized the importance of awareness as part of a conflict sensitive approach, throughout all phases of conflicts and crises. The Council called for the protection and safeguard of cultural heritage to be highlighted in relevant strategic and programming documents and mainstreamed into the work of the Council within the Common Foreign and Security Policy. The Council also invited the EEAS and the Commission to report to the Political and Security Committee on a regular basis on the progress made in the implementation of the measures proposed.

The 2022 Council resolution on the EU work plan for culture 2023-2026 (2022/C 466/01), contains a section on strengthening the cultural dimension of EU external relations, including specific actions on an EU strategic approach on ICR, on preserving cultural heritage in Ukraine and on the role of culture in the promotion and defence of democracy and human rights in fragile contexts.

However, respective implementation of the above-mentioned strategy, Council resolution and conclusions have not been sufficiently synergized, most notably because of the weak EU governance of ICR. The protection of cultural heritage in the framework of international cultural relations of the EU merits a more complex, holistic approach reflecting the increased need for cooperation and synergy between all the related policies and the respective actions of the EU institutions.

Given the legal basis concerned in the current structure of the Council's protection of cultural heritage, the competences of the Political and Security Committee (PSC), Coreper I and Coreper II are impacted, while it touches upon different Council preparatory bodies, among others the Cultural Affairs Committee (CAC); CivCom; PMG; CODEV; Enforcement (police and customs cooperation); geographical working parties presided by EEAS etc.

Ongoing works of the Open Method of Cooperation (OMC) group of Member States' experts on ICR may specifically address the issues of governance¹ of the ICR, including protection of cultural heritage.

The CAC partially deals with these questions as well and has been involved in the process of supporting the cultural and creative sectors in Ukraine since the start of the Russian aggression against Ukraine in February 2022, including regular exchanges at ministerial level in the framework of the EYCS Council.

The aim of the Presidency is to ensure synergies, transparency and proper information exchange, as well as to increase the visibility of EU efforts, review and monitor current policy-making and programming environment and to handle all the cross-cutting, horizontal issues in connection with the external dimension of the protection of cultural heritage.

The Presidency invites Coreper to approve the following approach to handling of discussions on ICR within the Council preparatory bodies:

- a) to involve the existing working party RELEX subgroup on horizontal questions in line with its mandate in the discussions on ICR of the EU, commencing with the protection of cultural heritage, with a mixed composition in order to ensure complementarity of expertise and an integrated approach to ICR, and

¹ The adoption of the recommendations is foreseen for the end of 2024.

b) if necessary, to revisit the handling of discussions on ICR within the Council preparatory bodies based on the recommendations and terms of reference to be provided by the OMC group later this year.


