



Cultural Policy: cultural cooperation in the EU
Screening Exercise for Turkey and Croatia
Brussels, 26 October 2005



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Legal Base and Community Competence

- Introduction by the Maastricht Treaty (1992) of Community competence in the area of culture (ex-art. 128 TEC)
- Inclusion of the entire provision in art. 151 TEC, within the Treaty of Amsterdam (1997)
- Presence of a requirement regarding the consideration of cultural implications in all Community policies (art. 151-§ 4 TEC)



Principles of Community Intervention

1. Complementary competence excluding any legal harmonisation (art. 151 § 5.1 TEC)
2. Unanimous vote in the Council of legislative acts (cf. co-decision procedure as defined by art. 251 TEC): decisions, recommendations
3. In accordance with the subsidiarity principle (cf. art. 5 TEC) and consultation process with the Committee of Regions



General Aims of the Treaty

- Contribution to the flourishing of national cultures of the Member States
- Preservation of national and regional cultural diversity
- Highlighting of common cultural heritage
- Fostering of cooperation between Member States
- Cooperation with international organisations (ex. UNESCO, Council of Europe) and third countries



The Fields of Action foreseen by art. 151 § 2 TEC

1. Improvement of the knowledge and dissemination of the culture and history of the European peoples
2. Conservation and safeguarding of cultural heritage of European significance
3. Non-commercial cultural exchanges
4. Artistic and literary creation, including the audiovisual sector



The *Acquis Communautaire*

To be found within Eur-Lex, Directory of Community legislation: 16.40 – Culture, link: <http://europa.eu.int/eur-lex/lex/en/repert/1640.htm>

With the exception of Decisions establishing Community Programmes/Actions contains ‘soft law’, such as:

- Council resolutions
- Council recommendations
- Council conclusions

They refer to the four fields of action mentioned before.



The Council Work Plan and the Method of Co-operation

The Council for Cultural Affairs took on the practice of rolling agendas since 2002

It contains the main topics of interest in the area of culture for several given Presidencies of the Council

It specifies the main expectations of the Council vis-à-vis the Member States and the Commission. For 2005-2006 please see link:

http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/educ/2695.pdf



The Co-operation Method – An example

The issue of insurance premiums for museum collections and its impact on the mobility of artistic collections across the EU was put forward within the Council by Member States

This question was taken up by the Dutch Presidency in 2004

Result: a Committee of museum experts was set-up in order to advise on ways to facilitate European Collection Mobility, its conclusions should be delivered in 2006



The proposed Constitution for Europe and culture

Culture should become an aim of the Union (art. I 3-3): “It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced”

Art. III 280-1 states that « The Union shall contribute 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”.

Culture should be covered by the Qualified Majority Voting principle (cf. European laws and framework laws)



Thank you for your attention !

Krzysztof Kania, DG Education and Culture,
Directorate Culture and Communication, Unit C1 –
Culture, tel. ++ 32 2 298 08 42, fax ++ 32 2 299 92
83, e-mail Krzysztof.Kania@cec.eu.int