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MOTION FOR A RESOLUTION

further to Question for Oral Answer O-0037/05

pursuant to Rule 108(5) of the Rules of Procedure

by Nikolaos Sifunakis

on behalf of the Committee on Culture and Education

on working towards a Convention on the protection of the diversity of cultural contents and artistic expressions

European Parliament resolution on working towards a Convention on the protection of the diversity of cultural contents and artistic expressions

The European Parliament,

- having regard to its report of 15 December 2003 on preserving and promoting cultural diversity¹,
 - having regard to the communication from the Commission 'Towards an international instrument on cultural diversity' (COM(2003) 520),
 - having regard to its resolution of 12 March 2003 on GATS, including cultural diversity,²
 - having regard to the UNESCO Universal Declaration on Cultural Diversity of 2 November 2001,
 - having regard to Article 149(1) and Article 151 of the EC Treaty,
 - having regard to the Preamble and Article 22 of the Charter of Fundamental Rights of the European Union,
 - having regard to Article I-3(3), fourth subparagraph of the Treaty establishing a Constitution for Europe, affirming that the Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced, and to Article III-315, affirming the unanimity rule in Council when negotiating and concluding agreements in the field of trade in cultural and audiovisual services, where these risk prejudicing the Union's cultural and linguistic diversity,
 - having regard to the decision of UNESCO's General Conference on 17 October 2003 to launch work towards the elaboration of a draft Convention on cultural diversity for the next session of the General Conference in 2005,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas meetings of independent experts took place between December 2003 and May 2004 with a view to producing a first preliminary draft convention,
- B. whereas, starting in September 2004, a series of intergovernmental meetings has been taking place in order to finalise the preliminary draft Convention and report,
- C. whereas the UNESCO Universal Declaration on Cultural Diversity adopted in

¹ A5-0477/2003

² P5_TA(2003)0087

November 2001 was a welcome step towards international cooperation and has proved to be an inadequate response to threats to cultural diversity in a globalising world,

- D. whereas the draft UNESCO Convention has as its objective the provision and protection of the diversity of cultural contents and artistic expressions, and whereas it aims to facilitate the development and adoption of cultural policies and appropriate measures for the protection and promotion of the diversity of cultural expressions as well as to encourage wider international cultural exchanges,
- E. whereas while the aim of the Convention relates to cultural matters - an area where, in light of Article 151 of the Treaty, the Community does not possess harmonisation powers - the measures by which those objectives are pursued may include provisions that affect the 'acquis communautaire'; in other words, the draft UNESCO Convention is a mixed agreement and includes a number of provisions that fall within Community competences,
- F. whereas the Council therefore agreed on 16 November that the Commission be authorised to negotiate on behalf of the Community those parts of the UNESCO draft text which fall within Community competence,
- G. whereas Member States are under an obligation to cooperate closely with the Community to ensure unity in negotiating and concluding any text,
- H. whereas Article 300 of the Treaty lays down the procedural rules with regard to Community agreements and includes consultation with the European Parliament on the proposal to conclude such an agreement,
- I. whereas it is important, with regard to a mixed agreement, that there is close cooperation between Member States and all Community institutions,
 - 1. Points out that the Convention must be a tool of international cooperation in favour of cultural development, believes that the draft Convention represents a serious attempt to address the challenges posed to cultural diversity through globalisation and international trade policy and welcomes the process of establishing a binding standard-setting instrument on the protection of cultural diversity;
 - 2. Believes that Member States must make every effort to coordinate their positions, between them and with the Community;
 - 3. Expresses its concern that any lack of unity will undermine the Community's position and credibility in the negotiations and stresses the importance of EU unity and the need for Parliament to be fully involved in defining a clear mandate, as well as taking into account the views expressed by civil society;
 - 4. Insists that the Commission should not only provide Council and the 133 Committee with updates on the negotiations within UNESCO, but must also ensure that Parliament is kept fully informed;

5. Believes that the proposed UNESCO Convention must very clearly underline the right of States Parties to develop, maintain and implement policies and laws designed to promote and protect cultural diversity and media pluralism; considers that any attempts to dilute or weaken these rights in any way through the Convention must be resisted;
6. Believes that the Convention must recognise the very important role played by public services, notably public service broadcasters, in safeguarding, supporting and developing cultural diversity and identity and access for all citizens to quality content and knowledge;
7. Stresses that, while cultural services and products have a dual nature as economic and cultural goods, they cannot be equated with ordinary merchandise;
8. Stresses also that access to a diversified supply of cultural contents, both national and from all regions of the world, is a fundamental right;
9. Insists that the European Union and its Member States should do nothing in the process of the negotiation and conclusion of this Convention to compromise cultural diversity or undermine the ability of governments to support cultural diversity and identity;
10. Calls on the UNESCO General Conference and the negotiating parties to ensure that the Convention relates to all forms of cultural expression;
11. Calls on all negotiating parties to make every effort to finalise the draft in order to enable the next UNESCO General Conference meeting in October 2005 in Paris to accept it;
12. Believes that media pluralism must be a fundamental principle of the Convention;
13. Insists that the Convention must guarantee transparency, the principle of proportionality and democratic principles;
14. Insists that the Convention must be based upon the principles of individual human rights as laid down in international instruments, including the right to freedom of information, opinion and intellectual property;
15. Believes that the issue of the relationship between international trade law and the future UNESCO Convention is a key aspect, which should best be approached in such a way that the protection of cultural diversity is given at least the same priority as other policies, and on no account less priority;
16. Believes that any definition of cultural industries in the Convention should include not only production but also creation, publication, promotion, distribution, exhibition, provision, sale, collection, storage and preservation of cultural goods and services;
17. Believes that the Convention should recognise the importance of both direct and indirect public financial aid and that States Parties may determine the nature, amount and beneficiaries of such aid;

18. Believes that states should retain the right to define the remit of public service institutions devoted to safeguarding cultural diversity and media pluralism, notably that of public service broadcasters, in order to ensure their democratic and social relevance for their societies, and that this must also apply in the digital knowledge age;
19. Believes, therefore, that the Convention must protect the rights of States Parties to extend their cultural policies to new media content and new means of distribution and that the principle of technological neutrality must be explicitly mentioned in the Convention;
20. Welcomes the proposal for a Cultural Diversity Observatory within UNESCO, which must operate in collaboration with the professional organisations;
21. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the governments of the applicant countries, the Committee of the Regions, the Economic and Social Committee, the Council of Europe and UNESCO.