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REPORT

on the proposal for a Council decision on the conclusion of the UNESCO
Convention on the Protection and Promotion of the Diversity of Cultural
Expressions
(COM(2005)0678 – C6-0025/2006 – 2005/0268(CNS))

Committee on Culture and Education

Rapporteur: Christa Prets

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6
PROCEDURE.....	10

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (COM(2005)0678 – C6-0025/2006 – 2005/0268(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2005)0678)¹,
 - having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted at the General Conference of UNESCO in Paris on 20 October 2005,
 - having regard to Article 300(2), first subparagraph, and Articles 89, 133, 151, 181 and 181a of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0025/2006),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0079/2006),
1. Approves the conclusion of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
 2. Instructs its President to forward its position to the Council and the Commission, to the governments and parliaments of the Member States and to UNESCO.

¹ Not yet published in OJ.

EXPLANATORY STATEMENT

The European Parliament and the UNESCO Convention

In its resolution of 14 January 2004 on "preserving and promoting cultural diversity: the role of the European regions and international organisations such as UNESCO and the Council of Europe", and in its resolution of 14 April 2005 on "working towards a Convention on the protection of the diversity of cultural content and artistic expression", the European Parliament considered as essential to recognise cultural diversity within the field of international law by adopting a Convention within UNESCO and strongly defended the dual nature - cultural and economic - of cultural goods and services.

The European Parliament welcomed the Council's decision, taken at a later stage, to give mandate to the European Commission to negotiate at UNESCO on behalf of the European Community. It also congratulated the European Commission and the Council for the good implementation of the mandate which made it possible for the European Commission to negotiate the Convention on behalf of the European Community and of the 25 Member States and to accelerate the global process of negotiation.

In several occasions, the Committee on Culture considered the progress of the negotiations and the fruitful role of the Commission in this regard and also called upon a fast ratification by the EU Member States.

The progress towards the Convention

The present Convention is the result of a long process of maturation and of sharp negotiations. From the European Community point of view, it is worthwhile to remind the most important steps to this end:

1. The UNESCO Universal Declaration on Cultural Diversity of 2 November 2001,
2. The meetings of independent experts between December 2003 and May 2004 with a view to producing a first preliminary draft Convention,
3. Starting in September 2004, a series of intergovernmental meetings in order to finalise the preliminary draft Convention and report,
4. The Council decision of 16 November 2004 to give mandate to the Commission to negotiate on behalf of the Community those parts of the UNESCO draft text which fall within Community competence,
5. The Convention was adopted by the General Conference of UNESCO on 20 October 2005 in Paris.

A new instrument in international law

The UNESCO Convention has as an objective the promotion and the protection of the

diversity of cultural contents and artistic expressions and aims to facilitate the development and the adoption of cultural policies and appropriate measures for the protection and promotion of the diversity of cultural expressions and also to encourage wider international cultural exchanges.

The Convention establishes, at international level, the recognition of the sovereign right for States and Governments to draw up and implement cultural policies allowing the development of their own cultural sectors.

The Convention acknowledges that cultural diversity is strengthened by the free flow of ideas and reaffirms the importance of freedom of thought and the diversity of the media. It recognises the right of States to adopt audiovisual policies and foster their audiovisual industries. It reaffirms the important role of public service broadcasting for cultural diversity and media pluralism.

It emphasizes the links between culture, development and dialogue and creates an innovative platform for international cooperation, in a wider context of sustainable development.

By recognising the distinctive nature of cultural goods and services as transmitters of values and identity, the Convention establishes that they transcend their commercial dimension, legitimising thus domestic and international cultural policies.

In this relation it should be stressed that the Convention, not subordinated to other treaties or international agreements, complements them, requiring, negotiating or/and contracting, parties to consider the objectives of cultural diversity.

The Convention will be also used as an international forum to debate the challenges set to the diversity of cultural expressions and to the sensitive sector of cultural policies that support it and will further become a cooperation lever with countries that aim to create durable cultural industries on their territory.

The Ratification processes and the entry into force

The Convention will enter into force three months after its ratification by 30 State Parties.

The rapporteur considers necessary to underline that by a prompt ratification allowing the Convention to become effective and by a large number of parties to it, the Convention shall take its due place into the international law system and its objectives and the means to attain them shall become recognized.

A ratification of the UNESCO Convention by the European Community and its 25 Member States as quickly as possible would guarantee not only the entry into force but would also show a significant political signal of the major attachment of Europe to cultural diversity.

In this context, the rapporteur congratulates the European Commission for the adoption on 21 December 2005 (two months after the adoption of the Convention by the UNESCO General Conference) of the present proposal for a decision of the Council, opening the way with the Community ratification.

The approval of the Convention by the European Community should be considered as a consequent invitation to the Member States to boost their own internal ratification procedures without delay.

In view of the Council decision on the conclusion of the UNESCO Convention to be taken during the 18 May 2006 Education and Culture Council meeting, the rapporteur stresses the importance to support and promote a fast ratification of the Convention within Member States and urges in this relation the Austrian Presidency and the Commission to actively promote the ratification by all Member States.

The rapporteur also considers important that the European Institutions and the Member States actively promote the ratification of the Convention by third countries in order for the Convention to gain a critical mass of State Parties that would establish it as a major international instrument.

The joint ratification by the European Community and the Member States

A joint ratification of the Convention by the Community and the Member States is required.

Article 27 of the Convention establishes the possibility for the European Community to become a contracting party and to play an active role in the organs of the Convention, in particular the Conference of the Parties established by Article 22 of the Convention.

Article 26 of the Convention clarifies that ratification, acceptance, approval or accession by States is necessary and should take place in accordance with their respective constitutional procedures.

The European Union spoke with a single voice at UNESCO

Stressing that the Convention was negotiated jointly by the European Commission on behalf of the Community and by the Council Presidency on behalf of the Member States and that for the first time the European Community spoke at UNESCO with a single voice, the fast ratification within the EU should be seen as the logical continuation of the strong involvement of the Community in the negotiations and the concrete signal of the European Union's wish to promote the principle of cultural diversity at international level.

The impact of the Convention at the European Union level

The Convention, the first of its kind in international relations, provides the basis of world governance in cultural matters and in several aspects will affect the "*acquis communautaire*". In particular, it will touch upon matters related to trade policies, the free movement of persons and of goods and services within the European Union, audiovisual and media policy (namely "Television Without Frontiers" directive and Media Programme) as well as development policies.

In relation in particular with international agreements, the rapporteur calls upon that the European Community does not liberalize audiovisual and cultural services but sticks on the specific mandate given by the Council on 1999: "The Union will take care to guarantee during

the next WTO negotiations, as in the Uruguay round, the possibility for the Community and its Member States to preserve and develop their cultural and audiovisual policies for the preservation of their cultural diversity".

The implementation of the Convention

The European Parliament will follow with great attention the implementation of the UNESCO Convention by the European Community and the Member States.

The rapporteur strongly stresses that the close monitoring of the Convention implementation by the Governments, the signatory States and through civil society is crucial and necessary and she encourages the European Commission to establish a monitoring process of the implementation of the Convention in association with the European Parliament.

Especially the rapporteur draws attention to the important role the civil society plays in protecting and promoting the diversity of the cultural expressions. The rapporteur encourages the active participation of civil society in the efforts to achieve the Convention objectives.

Finally, the rapporteur also calls the Council and the Commission to fully involve and inform the European Parliament for any action to be taken in the future in connection with the UNESCO Convention.

PROCEDURE

Title	Proposal for a Council decision on the conclusion of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	
References	COM(2005)0678 – C6-0025/2006 – 2005/0268(CNS)	
Date of consulting Parliament	24.1.2006	
Committee responsible Date announced in plenary	CULT 1.2.2006	
Committee(s) asked for opinion(s) Date announced in plenary	AFET 1.2.2006	DEVE 1.2.2006
Not delivering opinion(s) Date of decision	AFET 25.1.2006	DEVE 25.1.2006
Enhanced cooperation Date announced in plenary		
Rapporteur(s) Date appointed	Christa Prets 23.1.2006	
Previous rapporteur(s)		
Simplified procedure – date of decision Date of decision		
Legal basis disputed Date of JURI opinion	/	
Financial endowment amended Date of BUDG opinion	/	
Parliament to consult European Economic and Social Committee – date decided in plenary		
Parliament to consult Committee of the Regions – date decided in plenary		
Discussed in committee	23.2.2006	21.3.2006
Date adopted	21.3.2006	
Result of final vote	+ : 24 - : 0 : 2	
Members present for the final vote	Maria Badia I Cutchet, Christopher Beazley, Ivo Belet, Giovanni Berlinguer, Guy Bono, Marie-Hélène Descamps, Claire Gibault, Vasco Graça Moura, Lissy Gröner, Luis Herrero-Tejedor, Ruth Hieronymi, Manolis Mavrommatis, Marianne Mikko, Ljudmila Novak, Doris Pack, Rolandas Pavilionis, Zdzisław Zbigniew Podkański, Christa Prets, Karin Resetarits, Nikolaos Sifunakis, Hannu Takkula, Helga Trüpel, Henri Weber, Thomas Wise	
Substitute(s) present for the final vote	Gyula Hegyi, Jaroslav Zvěřina	
Substitute(s) under Rule 178(2) present for the final vote		
Date tabled	23.3.2006	
Comments (available in one language only)		