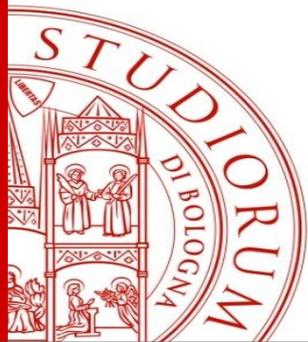


The Cultural Heritage Clauses in the New Generation of EU FTAs

University of Bologna
ImprovEUorGlobe International Workshop
3 – 4 July
4 July 2023

Alessandra Quarta – University of Bologna



Outline of the presentation

European
competence
in the field
of culture

CCP and
FTAs pre-
Lisbon
Treaty

CCP and
FTAs after
the Lisbon
Treaty

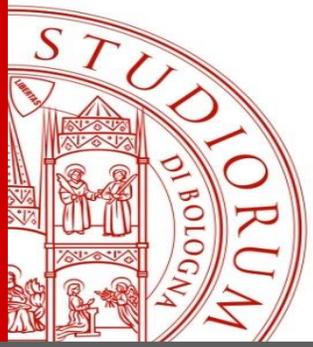
SDGs and
culture

Conclusions



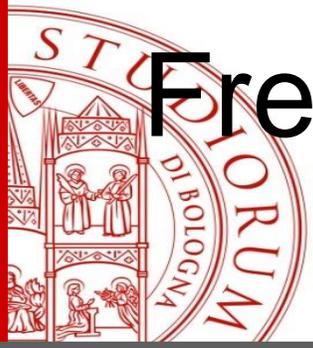
European competence in the field of culture

- **Article 6 TFEU** → culture as supporting competence of the EU
- **Article 167 TFEU**, paragraphs **1, 2, 3** and **5** → explicit competences
- **Article 167** paragraph **4 TFEU** → implicit powers
- **Article 4** paragraph **3 TEU** → duty of sincere cooperation



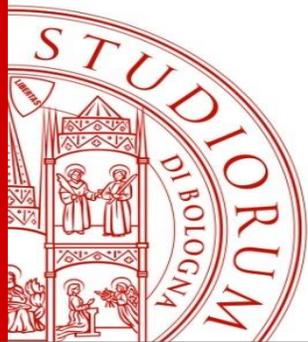
CCP pre-Lisbon Treaty

- Role of European Commission and Council
- ECJ → CCP need unified approach
- Regulation > liberalization
- Treaty of Amsterdam and Treaty of Nice → services and intellectual property



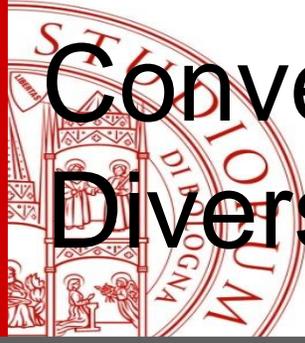
Free Trade Agreements pre-Lisbon Treaty

- European Economic Community and the Swiss Confederation → 1973
- ECC and Palestine Liberation Organization (PLO) → 1997
- European Communities and their Member States and the Kingdom of Morocco → 2000
- European Communities and their Member States, of the
and the State of Israel → 2000



CCP post-Lisbon Treaty

- Broader action
- DG Trade > DG Education and Culture
- Crisis of WTO system
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)



Convention on the Protection and Promotion of the Diversity of Cultural Expressions, UNESCO (2005)

- Article 216 paragraph 2 TFEU
- Cultural diversity
- Guiding principles articles 2 paragraph 5 and 6 CPPDCE
- Articles 12, 13, 16, 20 CPPDCE
- Cultural Cooperation Protocol

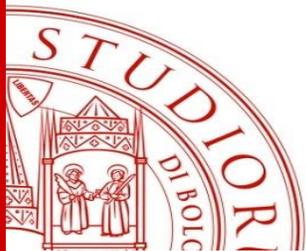
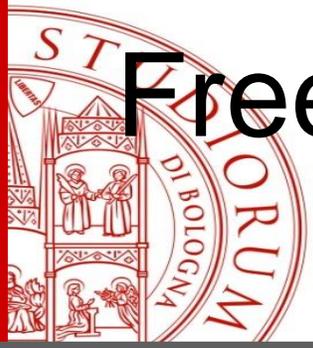


Table 7.1

Promoting the Convention in trade agreements, 2015–2017

	Title of agreement	Parties	Signature	Entry into force
1	Free Trade Agreement Between New Zealand and the Republic of Korea	New Zealand Rep. of Korea	23 March 2015	20 December 2015
2	Korea–Viet Nam Free Trade Agreement	Rep. of Korea Viet Nam	5 May 2015	20 December 2015
3	Tratado de Libre Comercio Perú–Honduras	Peru Honduras	29 May 2015	–
4	Free Trade Agreement Between the Government of the People’s Republic of China and the Government of the Republic of Korea	China Rep. of Korea	1 June 2015	20 December 2015
5	Free Trade Agreement Between the Government of Australia and the Government of the People’s Republic of China	Australia China	17 June 2015	20 December 2015
6	European Union–Viet Nam Free Trade Agreement	European Union Viet Nam	1 February 2016	–
7	Canada–Ukraine Free Trade Agreement (CUFTA)	Canada Ukraine	11 July 2016	1 August 2017
8	Canada–European Union Comprehensive Economic and Trade Agreement (CETA)	European Union Canada	30 October 2016	21 September 2017 Provisional application

Table taken from the UNESCO Report: RE|SHAPING CULTURAL POLICIES. Advancing creativity for development (2018)



Free Trade Agreements post-Lisbon Treaty

- CARIFORUM States and the European Community and its Member States → 2008
- European Union and its Member States and the Republic of Korea → 2010
- European Union and its Member States and Central America → 2012

The belief in the harmonious and fruitful coexistence of a plurality of cultures that inspired the 2005 Convention has been since the very beginning – and remains to this day – at the heart of the European project. It will be vital in building the future of Europe.

The new EU strategy for international cultural relations reiterates our commitment to the Convention and to international cultural relations based on long-term engagement, mutual understanding, direct contacts between people and collaborative creation.

The EU strongly supports the diversity of cultural expressions in its trade, economic and political agreements with third countries, both bilaterally and multilaterally. Between 2012 and 2016 the EU signed seven new agreements containing clauses on the diversity of cultural expressions or explicitly referencing the Convention: with the Economic Partnership Agreement group of States of the Southern African Development Community (Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland); with Colombia and Peru; and with Georgia, Republic of Moldova, Viet Nam, Kazakhstan and Mongolia.

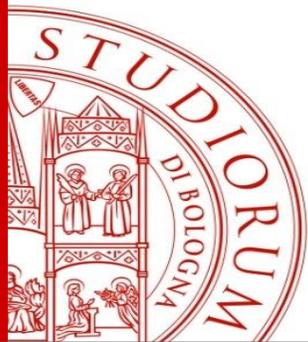
The EU is working to implement the 2030 Agenda for Sustainable Development and is adjusting its copyright framework to the digital age. The reform of EU copyright proposed last year by the European Commission ensures fair remuneration of authors and artists, greater transparency in contractual arrangements between creators and online platforms and broader availability of copyright-protected content in the EU and across borders.

Promoting cultural diversity is the best way to fight prejudice, cross language barriers and bring communities together.

Tibor Nauracsics

European Commissioner for Education, Culture, Youth and Sport

Image taken from the UNESCO Report: RE|SHAPING CULTURAL POLICIES. Advancing creativity for development (2018)



SDGs and Culture



SUSTAINABLE DEVELOPMENT GOALS

17 GOALS TO TRANSFORM OUR WORLD





THEMATIC INDICATORS FOR CULTURE IN THE 2030 AGENDA

ENVIRONMENT & RESILIENCE

- 1 Expenditure on heritage 🌐
- 2 Sustainable management of heritage ♀
- 3 Climate adaptation & resilience ♀
- 4 Cultural facilities ♀
- 5 Open space for culture ♀

INDICATORS 1 2 3 4 5



- 2.4 Sustainable foodways & agriculture
- 6.6 Water related ecosystems
- 6.1 Quality infrastructure
- 11.4 Cultural & natural heritage
- 11.7 Inclusive public spaces
- 12.6 Sustainable tourism management
- 13.1 Climate & disaster resilience
- 14.5 Marine area conservation
- 15.1 Sustainable terrestrial ecosystems
- 16.4 Recovery of stolen assets

PROSPERITY & LIVELIHOODS

- 6 Culture in GDP
- 7 Cultural employment ♀ 🌐
- 8 Cultural businesses ♀
- 9 Household expenditure
- 10 Trade in cultural goods & services 🌐
- 11 Public finance for culture ♀
- 12 Governance of culture ♀

INDICATORS 6 7 8 9 10 11 12



- 8.3 Jobs, entrepreneurship & innovation
- 8.9 Policies for sustainable tourism
- 8.a Increase Aid for Trade
- 10.a Differential treatment on trade
- 11.4 Cultural & natural heritage

KNOWLEDGE & SKILLS

- 13 Education for Sustainable Development ♀ 🌐
- 14 Cultural knowledge ♀
- 15 Multilingual education ♀
- 16 Cultural & artistic education ♀
- 17 Cultural training ♀

INDICATORS 4 8 9 10 13



- 4.4 Skills for employment
- 4.7 Skills for sustainable development
- 8.3 Jobs, entrepreneurship & innovation
- 8.a Access to information technologies
- 12.a Sustainable consumption
- 13.3 Education on climate adaptation

INCLUSION & PARTICIPATION

- 18 Culture for social cohesion ♀
- 19 Artistic freedom ♀
- 20 Access to culture ♀
- 21 Cultural participation ♀
- 22 Participatory processes ♀

INDICATORS 9 10 11 16



- 9.1 Quality infrastructure/equitable access
- 9.a Access to information technologies
- 10.2 Social inclusion
- 11.7 Inclusive public spaces
- 16.7 Participatory decision-making
- 16.30 Fundamental freedoms
- 16.a Prevention of violence
- 16.b Non-discriminatory policies

SDG & TARGETS

THE CULTURE | 2030 INDICATORS

ALSO CONTRIBUTE TRANSVERSALLY TO:

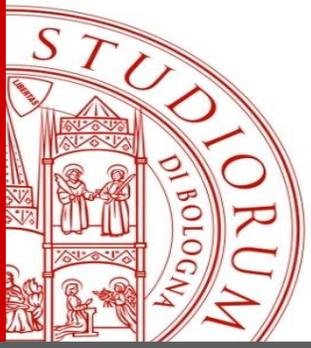


5.5 Women participation & leadership
5.a Policies on gender equality



17.9 Capacity building
17.16 Global partnership
17.17 Public, private and civil society partnerships
17.19 Measuring of sustainability





Concluding Remarks

- Trade/culture dilemma → challenges arising from the new developments that globalisation brings.
- EU's traditional position in FTAs → widest possible cultural policy space for the audiovisual sector by including a cultural exception in these agreements.
- UNESCO Convention → important legal framework for coherent EU action in favor of cultural diversity.
- UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022 (28-30 September 2022, Mexico City) → *“We call on the UN Secretary General to firmly anchor culture as a global public good, and to integrate it as a specific goal in its own right in the development agenda beyond 2030”.*



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