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Subject: Proposal for a Decision of the European Parliament and of the Council  
establishing a European Union action for the **European Heritage Label**

- *Opinions of the Portuguese Parliament in conformity with the principle of  
subsidiarity*

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Delegations will find attached, for their information, two opinions from Committees of the Portuguese Parliament on the above proposal.

**OPINION**

**Proposal for a  
Decision of the European Parliament and of the Council  
establishing a European Union action for the European Heritage Label**

COM (2010)76

SEC (210)197

SEC (2010)198

Article 167(1) of the Treaty on the Functioning of the European Union 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."* Similarly, paragraph 2 establishes that action by the European Union in this area is aimed at *"improvement of the knowledge and dissemination of the culture and history of the European peoples"*. Finally, paragraph 5 recommends that these objectives should be achieved by the adoption of incentive measures by the European Parliament and the Council in accordance with the ordinary legislative procedure *"excluding any harmonisation of the laws and regulations of the Member States"*.

In this context, the aim of this proposal for a Decision is not to harmonise laws and regulations but rather to establish a scheme (the European Heritage Label) that will strengthen European citizens' sense of belonging to Europe by improving knowledge of Europe's shared history, by enhancing the value and profile of sites and events which make a key contribution to this objective.

**RECITALS**

In view of the provisions of this proposal for a Decision, the following questions should be raised:

**(a) *The principle of subsidiarity***

Given the objectives laid down by the proposal for a Decision under consideration, the view is that

they would be better achieved by the European Union than by individual Member States.

***(b) The importance of introducing the European Heritage Label***

The European Heritage Label originated in 2005 as a response to the disconnect between the European Union and its citizens linked to a lack of knowledge of the history of Europe, the role of the European Union and the values on which it is based.

This initiative was launched at the Cultural Affairs Council meeting in Granada in 2006, following a proposal from France and Spain, on an intergovernmental basis and open to European countries that were not yet members of the EU. The aim was and still is to identify monuments, natural or urban sites, cultural landscapes, places of remembrance, cultural goods and objects, intangible heritage attached to a place, including contemporary and historical heritage which have played a key role not only in European integration but also in the history of Europe by laying the foundations for its identity and its shared and common values.

The objective remains unchanged although *"the practical arrangements for the initiative have shown some weaknesses and it has not therefore managed to fulfil its potential"*, as stated in the explanatory memorandum concerning the initiative. Likewise, applications accepted do not always match the objectives set, which is why the aim of this new instrument is to upgrade sites that really matter for European history, in accordance with the criteria laid down in Article 7 and the obligation to assess sites which have already been awarded the label (Article 18).

This proposal recommends that more detailed and rigorous criteria be set for awarding the label, with a view to achieving the objectives laid down in Article 3, namely enhancing the value and profile of the various facets of Europe's common heritage in order to identify the ties linking the Member States and their citizens to the wider area of Europe.

***(c) The European Heritage Label and earlier initiatives in the field of cultural heritage such as the UNESCO World Heritage List and the Council of Europe's 'European Cultural Routes'.***

We do not consider that earlier initiatives can tie in with our objectives and the scope of this instrument. The UNESCO World Heritage List covers a collection of properties forming part of the cultural and natural heritage which UNESCO considers as having outstanding universal value, in order to protect them. Some of those properties may overlap with those which have been awarded the European Heritage Label but not all of them will, due to UNESCO's universal character. However, even if a property within the European Union is on the UNESCO World Heritage List, it may not necessarily be awarded the European Heritage Label simply because, as it is of outstanding universal value in absolute terms, it may not be of the slightest importance to European history.

In this context, the European Heritage Label should not be confused with the UNESCO World Heritage List as it is different from other cultural heritage initiatives. The objective is to single out sites that have played a key role in European history, due especially to their symbolic value for European integration and their transnational importance. The criteria for selecting them take account of their symbolic European value rather than their aesthetic or architectural qualities, endeavouring to strengthen the sense of belonging to Europe by enhancing the educational dimension of the sites.

The aim of the Council of Europe's 'European Cultural Routes' is to raise awareness of and share common European values by means of historical European routes or routes which have been created to link areas, always with the idea of movement and journeying. There may also be coincidences in this context, as a route may pass through sites which have been awarded the European Heritage Label or a route may even be awarded the European Heritage Label but we do not consider that this detracts from the usefulness of either instrument. On the contrary, there is every reason to believe that both instruments can be complementary in this sphere as they both help to give European heritage added value.

The proposal submitted to the Council of the European Union and the European Parliament for adoption, which is scheduled to enter into force in 2011 and 2012 will thereby help to enhance the profile of European heritage and European values and to generate economic benefits as a result of the greater tourist interest aroused by the awarding of the label.

## OPINION

In view of the foregoing and having regard to the report from the Committee on Ethics, Society and Culture on the proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label, the European Affairs Committee is of the opinion that:

1. This proposal for a Decision does not infringe the principle of subsidiarity as the objective set will be achieved more effectively through Community action.
2. As proposed in the opinion of the Committee on Ethics, Society and Culture, the European Heritage Label should also be aimed at "preserving European contributions to a cultural human inheritance" by adding this aim to Article 3(1) of the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label [COM(2010)76].
3. The Portuguese Parliament's examination of this proposal has been concluded, without prejudice to a further analysis of the matter in the light of the development of the European legislative process.

S. Bento Palace, 4 May 2010

Member of Parliament  
Rapporteur

(s.)  
Vânia de Jesus

Chairman of the Committee

(s.)  
Vitalino Canas

Encl.: Report from the Committee on Ethics, Society and Culture drawn up by José Rui Cruz,  
Member of Parliament



## **Committee on Ethics, Society and Culture**

### **REPORT**

**COM ( 2 0 1 0 ) 7 6 F I N**

**SEC ( 2 0 1 0 ) 1 9 7**

**SEC(2010)198**

### **Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label**

#### **1. Motives**

The European Affairs Committee received, on 11 March 2010, the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label, which was later referred to the Committee on Ethics, Society and Culture, which is competent with regards to this matter, to eventually analyse the Proposal and create a report and opinion, namely to verify its compliance with the principle of subsidiarity.

This Committee should thus proceed to examine the Proposal and issue the competent report and opinion, to be afterwards duly referred on to the European Affairs Committee.

Following the Council's conclusions and in line with its procedures, the European Commission launched an impact assessment which included a public consultation. The consultation process started in March 2009 and was carried out in different stages. It included an online consultation, a consultation meeting open to the general public and stakeholders, and a meeting with experts designated by the 27 Member States. The detailed results of the different elements of the consultation are included

in the impact assessment report and were duly taken into account for the preparation of the Proposal.

## **2. On the Proposal for a Decision of the Council**

### **a) Motivation and Background**

This Proposal for a Decision of the European Parliament and of the Council puts forward the introduction of a European Heritage Label, whose general objectives are to strengthen European citizens' sense of belonging to the European Union, based on shared elements of history and heritage, as well as an appreciation of diversity, and to strengthen intercultural dialogue. To this end the Label seeks to enhance the value and the profile of sites which have played a key role in the history and the building of the European Union, and to increase European citizens' understanding of the building of Europe, and of their common yet diverse cultural heritage, especially related to the democratic values and human rights that underpin the process of European integration. In this way the European Heritage Label would also help to bring citizens closer to Europe.

The added value of the European Heritage Label compared to other initiatives in the field of cultural heritage such as the UNESCO World Heritage List and the Council of Europe's "European Cultural Routes" is as follows. First, the initiative will be based on the European narrative of these sites and their symbolism for Europe, rather than aesthetics. Second, the focus will not be on conservation, but on the promotion of the sites and access to them, which includes providing good explanations on the European significance of the sites and organizing educational activities, with special attention to young people. Thirdly, there will be an emphasis

on promoting networking among the labeled sites to share best practices and initiate common projects.

## **b) Outline and Objectives of the Proposal**

### **Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label**

The structure of the Decision Proposal is presented in the form of 20 articles, laid out in the following form:

#### **Objectives**

The general objectives will be to strengthen European citizens' sense of belonging to the European Union, based on shared elements of history and heritage, as well as an appreciation of diversity, and to strengthen intercultural dialogue. They reflect the overall ambition of the European Heritage Label and link it into the broader policies and objectives of the European Union.

#### **Participation in the Action**

Due to the nature of the European Heritage Label and its objectives, the Commission proposes that the action should start with the 27 Member States. The participation of the Member States should be on a voluntary basis. If necessary, future evaluations of the European Heritage Label could examine the appropriateness of enlarging the initiative to the third countries participating in the Culture Programme.

#### **Selection Procedure**

The impact assessment for the European Heritage Label showed that one of the main weaknesses of the original intergovernmental initiative was that the sites were



selected independently by participating countries with no overseeing body at European level.

A new selection procedure is therefore needed which combines the national and European levels. The Commission proposes that in the first stage, pre-selection of the sites should take place at Member State level, and then in the second stage, the final selection should take place at European Union level with the help of a panel of independent experts.

### **Monitoring and Withdrawal of the Label**

The Label should be attributed in principle on a permanent basis because the symbolic value of the selected sites will not diminish over time and in order to encourage sites to take a long-term approach and invest in their development. However, in order to maintain quality and credibility in the long term, a strong monitoring system is needed to ensure that labeled sites have met the obligations undertaken at the application stage.

### **Practical Arrangements**

The Commission should support the action in order to ensure greater stability than is possible under current arrangements and to enable expertise to be built up. In order to keep the practical arrangements as light and flexible as possible, certain administrative tasks could be outsourced through tendering procedures.

### **Evaluation**

The regular evaluation of the European Heritage Label action is crucial to ensure the effectiveness and credibility of the initiative. This evaluation would need to examine both the processes involved in running the action and the actual cumulative impact of the European Heritage Label as a whole.

## **Transitional Provisions**

Transitional measures need to be taken to define the status of the sites already awarded the European Heritage Label under the intergovernmental initiative. To ensure the overall coherence of the initiative, these sites would need to be re-assessed against the new criteria. For reasons of equal treatment between all the Member States, the Commission proposes to give those which did not participate in the intergovernmental initiative the opportunity to propose a first set of sites before the regular selection procedure begins.

## **3. Legal Framework**

### **Legal Basis**

The legal basis for the European Heritage Label is Article 167 of the Treaty on the Functioning of the European Union. This article gives the European Union the mandate to 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. Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action.”

### **Principle of Subsidiarity**

Under the terms of the second paragraph of Article 5 of the European Union Treaty: “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.”

The participation of Member States will be on a voluntary basis and, fully in line with Article 167 of the Treaty, the European Union involvement in the European Heritage Label will aim to strengthen coordination between Member States and to support their action by contributing to the development and correct application of new common, clear and transparent selection criteria, as well as new selection and monitoring procedures. The impact assessment has also shown that European Union action will offer benefits that could not be achieved by Member States acting alone.

According to the Committee on Ethics, Society and Culture, the Decision objectives appear to not be able to be realized sufficiently by Member States, making it necessary for a combined European Union action to enable the coordination of efforts in the sense of creating a European Heritage Label.

The CESC considers, therefore, that **the principle of subsidiarity has been assured.**

### **Principle of Proportionality**

The course of action proposed will have very limited impacts both on the European Union budget and on national budgets. It imposes no disproportionate management constraints on administrations implementing it.

### **Legislative Instrument**

Considering that the authors of the Proposal intend to strengthen European citizens' sense of belonging to the European Union, as well as intercultural dialogue, the community instrument presented – the Decision –, seems to be adequate to fulfil its ends.

#### 4. Conclusions

1. The European Affairs Committee received, on 11 March 2010, the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label, which was later referred to the Committee on Ethics, Society and Culture, which is competent with regards to this matter, to eventually analyse the Proposal and issue a report.
2. The Committee on Ethics, Society and Culture is responsible for analysing the Proposal in question, with particular scope for the principle of subsidiarity, to eventually issue the appropriate report and opinion, which should be duly referred on to the European Affairs Committee.
3. The present Decision Proposal aims to create a European Heritage Label, whose overall objectives are to provide European citizens with a greater sense of belonging to the European Union, based on their common history and heritage, in the appreciation of diversity and in the increase of intercultural dialogue.
4. The Committee on Ethics, Society and Culture welcomes the establishment by the European Union of a European Heritage Label, as the lasting implementation of the respective intergovernmental initiative launched by the EU in 2006-2007, in whose initial heritage list Portugal is represented with four monuments (the Braga Cathedral, the Convent of Jesus in Setúbal, the General Library of the University of Coimbra and the Abolition of Death Penalty).
5. The Committee on Ethics, Society and Culture considers that the European Heritage Label should also be directed towards the aim of “preserving European contributions to a cultural human inheritance”, proposing accordingly its addition to Article 3(1) of the Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label [COM (2010)76].



6. The present Decision Proposal respects the principle of subsidiarity.

### **Opinion**

Aware of the aforementioned motives and conclusions regarding the consideration process of proposals of a regulatory content, within the scope of the process of constructing the European Union, the Committee on Ethics, Society and Culture is of the opinion that the present report fulfils the necessary requirements to be referred on to the European Affairs Committee.

São Bento Palace, 21 April 2010

The Member of Parliament  
Rapporteur

(José Rui Cruz)

The Chairman of the Committee

(Luís Marques Guedes)

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