



**COUNCIL OF  
THE EUROPEAN UNION**

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**STATEMENT OF THE COUNCIL'S REASONS**

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Subject: Position of the Council at first reading with a view to the adoption of a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label  
- Statement of the Council's reasons  
Adopted by the Council on 19 July 2011

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## **I. INTRODUCTION**

1. The Commission adopted its proposal on 9 March 2010.
2. The Committee of the Regions delivered its opinion on 9 June 2010.
3. The European Parliament adopted its position at first reading at its plenary session on 16 December 2010.
4. On 19 July 2011 the Council adopted its position at first reading in accordance with Article 294 (5) TFEU.

## **II. OBJECTIVE**

The European Heritage Label started as an intergovernmental initiative in 2006. Due to the existence of some weaknesses in the practical arrangements for the initiative, the Council invited the Commission to submit a proposal for the creation of the European Heritage Label by the European Union. The European Union action for the European Heritage Label has the following three sets of objectives:

1. General objectives are to strengthen European citizens' sense of belonging to the Union, based on shared elements of history and heritage, as well as an appreciation of diversity, and to strengthen intercultural dialogue;
2. Intermediate objectives are to stress the symbolic value and raise the profile of sites which have played a significant role in the history and culture of Europe and/or building of the Union, and to increase European citizens' understanding of the history of Europe and the building of the Union and of their common yet diverse cultural heritage;
3. Specific objectives relate to the direct improvements that sites are expected to deliver as a result of their activities linked to the European Heritage Label.

### **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

The Council's first reading position is the result of informal contacts between the European Parliament, the Commission and the Council as foreseen by points 16 to 18 of the Joint declaration on practical arrangements for the co-decision procedure<sup>1</sup>.

Although the first reading position contains some changes to the Commission's initial proposal, both in structure and substance, the basic approach proposed by the Commission as well as all the main elements contained in its proposal such as the two stage selection process (a pre-selection at national level followed by a selection at Union level), assessment by a European panel of independent experts, designation of sites by the Commission and introduction of measures to ensure transition from the intergovernmental initiative to a European Union action have been retained. The most significant changes are set out in Sections A and B.

#### **A. Structural changes**

In accordance with the Joint practical guide for the drafting of Community legislation, the first reading position regroups all definitions in a single article (Article 2 - "Definitions"). The definitions of "transnational sites", previously situated in Article 12, and "national thematic sites", previously situated in Article 13, are concerned by this change.

#### **B. Substantive changes**

##### ***i. Definitions (Article 2)***

*Relevant European Parliament amendment: 8*

The first reading position extends the definition of sites contained in the Commission's initial proposal to cover three new types of sites: underwater, archaeological and industrial.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

**ii. Geographical scope (Article 18(1), recital 13)**

*Relevant European Parliament amendments: 6, 59*

The first reading position follows the basic approach of the Commission's proposal that during the evaluation process the widening of the geographical scope of the action should be examined together with other elements (Article 18(1)). According to recital 13 the widening of the geographical scope should be examined already during the first evaluation, i.e. 6 years after the entry into force of the decision, which would allow to test the functioning of the action first among the EU Member States before opening it up, if appropriate, to the participation of non-EU countries.

**iii. European panel of independent experts (Article 8)**

*Relevant European Parliament amendments: 34, 35, 36*

Participation of the Committee of the Regions in the selection and monitoring procedures is important since cultural heritage sites are often managed by local or regional authorities. The first reading position reflects this by adding an expert appointed by the Committee of the Regions to the members of the European panel appointed by the Parliament, the Council and the Commission (Article 8(2)). The first reading position text underlines the need to ensure among the European institutions concerned that appointed experts have complementary expertise and that their geographical representation is balanced (Article 8(3)).

**iv. Frequency of the selection (Article 10(2))**

*Relevant European Parliament amendment: 40*

The first reading position has changed the annual selection of sites, initially proposed by the Commission, to a selection organised every two years, the main reason being to avoid an uncontrolled rise in the number of sites which could undermine the label's prestige and quality. At the same time the biennial frequency will ensure that a critical mass of sites is reached in a reasonable time so the label becomes known to the public.

**v. *Strengthening information provision by the Commission (Articles 10(5),11(4),14(1), 16(5) and(6))***

*Relevant European Parliament amendments: 43, 45, 49, 55, 56*

The first reading position text has introduced an obligation for the Commission to inform the Parliament, the Council and the Committee of the Regions at each stage of the selection process: pre-selection of sites by the Member States, selection by the European panel, designation of the selected sites by the Commission, withdrawal of the label from a site and renunciation of the label by a site. By virtue of such a transparent procedure, all stakeholders will have the opportunity to bring to the attention of the Commission any observation that they might have regarding the candidate sites (Article 10(5)).

**vi. *Transnational sites (Article 2(2), Article 12, recital 15)***

*Relevant European Parliament amendment: 46*

The first reading position supports this type of site as contained in the Commission's original proposal. However, it defines more specifically conditions that such a site will have to comply with, in particular a need for a coordinator and an obligation for sites participating in a transnational site to consult their relevant national authorities (Article 12(2)).

**vii. *National thematic sites (Article 2(3), Article 13, recital 14)***

The first reading position establishes 'national thematic sites' as a new type of site which allows the sites located in a given Member State that are linked by a common theme to put forward a joint application.

**viii. *Renunciation (Article 16(6))***

*Relevant European Parliament amendment: 56*

The first reading position establishes a new procedure which allows a site that does not wish to participate in the action any longer to renounce the label. This provision is in line with the voluntary nature of the action (Article 4).

**ix. Transitional provisions (Article 19, recital 11)**

The first reading position follows the basic approach of the Commission's initial proposal of ensuring transition from the intergovernmental initiative to an action managed by the European Union by allowing Member States to also propose the sites, if any, that had previously been labelled under the intergovernmental initiative. All the sites proposed to be awarded the label during the two selection years when transitional provisions apply will have to be assessed against the same criteria and follow the same procedures as sites nominated during the ordinary years (Article 19(3)). In order to ensure equal treatment of Member States whose sites have been awarded the intergovernmental label and those which do not have such sites, the first reading position text sets a maximum of four sites that any Member State can nominate in accordance with the transitional provisions. Article 19 as proposed by the Commission was restructured in order to clarify and simplify the transitional procedure.

**x. Financial provisions (Article 20)**

The amount of the financial envelope originally proposed by the Commission was based on the assumption that the first selection procedure will be organised in 2012. Given the fact that the new text adds one year for preparatory work, the budget of the European action was reduced to 650 000 EUR for the 2012 - 2013 period.

### **III. CONCLUSIONS**

The first reading position which is the result of informal negotiations between the European Parliament, the Council and the Commission maintains the approach and the legal architecture proposed by the Commission. It establishes common, clear and transparent criteria and procedures for the European Heritage Label as well as a stronger coordination among the Member States. Important changes have been made to the frequency of selection, the European panel's composition, types of sites and information provision. A number of important clarifications, including on definitions, criteria, conditions for transnational and national thematic sites, renunciation and transitional provisions, have also been made.