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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing the Creative Europe programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013

Delegations will find attached document COM(2021) 184 final.

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Brussels, 16.4.2021
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2018/0190 (COD)

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TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council establishing the Creative Europe programme (2021 to 2027) and
repealing Regulation (EU) No 1295/2013**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2018)0366)	30 May 2018
Date the Committee of the Regions adopted its Opinion on the proposal	6 February 2019
Date the European Economic and Social Committee adopted its Opinion on the proposal	12 December 2018
Date of the position of the European Parliament, first reading:	28 March 2019
Date of Council agreement on a general approach	14 December 2018
Dates of the trilogues	9 October 2019 26 November 2019 12 December 2019 14 December 2020
Date Committee of Permanent Representatives confirmed the compromise agreement	18 December 2020
Date the CULT Committee of the European Parliament voted to endorse the compromise agreement	11 January 2021
Date Committee of Permanent Representatives adopted the Position of the Council (I/A Item)	31 March 2021
Date of adoption of the Council first reading position	13 April 2021

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The programme is one of the funding instruments under the 2021-2027 Multiannual Financial Framework. The Commission proposed an overall budget of EUR 1.85 billion for Creative Europe.

The new Creative Europe programme, supporting the cultural and creative sectors, including audiovisual, builds on the achievements of the current programme, while being more ambitious and trying to respond to recent developments, such as increased global competition and digitisation. It is composed of the CULTURE, MEDIA and CROSS-SECTORAL strands. It offers opportunities for cultural and creative operators to develop technologically and artistically innovative European trans-border initiatives, with a view to exchanging, co-creating, co-producing and distributing European works and making them accessible to wide and diverse audiences. It will also intensify the testing of new business models enabling creators for example to make best use of digital technologies for creation and audience development. Furthermore, the new programme will support actions aiming at reinforcing a free, diverse and pluralistic media environment in Europe, as well as critical approaches to media content through fostering media literacy.

3. COMMENTS ON THE POSITION OF THE EUROPEAN PARLIAMENT

The European Parliament's first reading position, adopted on 28 March 2019, suggested amendments to the Commission proposal, notably:

- Budget: doubling of the budget (expressed in constant prices) and percentage breakdown between strands (CULTURE, MEDIA, CROSS-SECTORAL);
- European Film Academy: designated beneficiary in the context of the promotion of the European Parliament's LUX Prize;
- European Union Youth Orchestra: enumeration of the activities of the Orchestra to be funded as a designated beneficiary;
- Delegated acts for the adoption of annual work programmes;
- More implementation details on synergies with other programmes;
- Intrinsic value of culture as a new general objective;
- New specific objectives: mobility of artists and circulation of works, provision of data, analyses and indicators, audience development and gender equality;
- Changes to the monitoring and evaluation framework;
- Use of programme logos;
- Data gathering for cultural and creative sectors;
- Focus on inclusion across the programme's actions;
- Actions aimed at supporting low-capacity countries in the MEDIA strand.

As part of the agreement reached in the trilogues, the Commission accepted:

- A financial envelope of the programme set at € 1 842 000 000 in current prices and an additional allocation of € 600 000 000 in 2018 prices, resulting from the programme-specific adjustment provided for in Article 5 and Annex II of the Council Regulation (EU, Euratom) 2020/2093 (i.e. MFF regulation);
- A breakdown of the budget in percentages between the programme strands;

- A stronger link between the European Film Academy and the European Parliament’s LUX Prize, without having the European Film Academy as a designated beneficiary;
- The possibility for the European Union Youth Orchestra to participate in competitive calls for proposals without having it as a designated beneficiary;
- The continuation of the MEDIA logo;
- An article on data gathering;
- The recognition of the intrinsic and economic value of culture;
- A more clearly defined list of programme actions in the Annex;
- The introduction of inclusion and gender equality as transversal principles in the implementation of the programme;
- A clearer acknowledgement of the differences across countries regarding audiovisual content production, distribution and access, and their linguistic and geographical specificities.

The Commission also agreed to issue the following letter of intent regarding the European Union Youth Orchestra:

“In the context of recital 23 and Annex I, Article 1, special actions e) as well as Article 7(5) of the above mentioned Regulation, as agreed by co-legislators on 14 December 2020, the European Commission confirms its intention to launch calls for proposals inviting applications for multi-annual operating grants to which the European Union Youth Orchestra and other entities could apply and which would provide the necessary stability for the functioning of these entities’ need. These calls will be subject to the adoption of work programmes, which will set out exact conditions, such as the timing of calls or the duration of grant agreements foreseen. The Commission further confirms its intention to launch the first of such calls in the 2021 annual work programme. This intention is subject to the adoption of the above-mentioned regulation and final agreement on the Union budget for 2021.”

Regarding the continuation of the MEDIA logo, the Commission issued the following declaration:

“The Commission regrets that the co-legislators decided to maintain the MEDIA logo. This runs counter to the horizontal approach of not having programme-specific logos under the future long-term budget. The Commission’s intention is to make sure that Europeans can relate to the Union as a whole thanks to the use of the single European emblem by its different programmes. This emblem is common to all EU Institutions and will be an important part of the simple, coherent and binding communication and visibility requirements across programmes. For the sake of reaching overall agreement on the programme, the Commission can accept to maintain the MEDIA logo under the condition that it remains limited to the duration of the concerned programming period.

The Commission remains convinced that communication and visibility of EU action towards a broad public is more effective without any programme-specific logos. The Commission remains at the co-legislators’ disposal to demonstrate this well ahead of the negotiations of the subsequent programming period”.

Following the Council's adoption of its first reading position, the European Parliament is expected to formally endorse the agreement reached in the trilogues.

4. COMMENTS ON THE POSITION OF THE COUNCIL

The Council's position reflects the agreement reached in the trilogues. The most important changes introduced compared to the Commission's proposal include:

- A financial envelope of the programme set at € 1 842 000 000 in current prices and an additional allocation of € 600 000 000 in 2018 prices, resulting from the programme-specific adjustment provided for in Article 5 and Annex II of the Council Regulation (EU, Euratom) 2020/2093 (i.e. MFF regulation);
- A breakdown of the budget between the strands expressed in percentages instead of absolute figures;
- A reinforced inclusion and gender equality dimension;
- A reference to the “level playing field” in the context of the MEDIA strand of the programme;
- A stronger reference to music;
- Recognition of the intrinsic and economic value of culture;
- The deletion of the European Film Academy and the European Union Youth Orchestra as designated beneficiaries;
- The addition of a comitology article;
- An article on data gathering;
- Revised indicators;
- A fixed programme duration aligned with the duration of the Multiannual Financial Framework;
- A reference to retroactivity provisions;

In general, the agreement reached preserves the objectives of the Commission's original proposal, maintaining the level of ambition but allowing the flexibility required for the implementation of the programme.

5. CONCLUSION

The Commission accepts the position taken by the Council.