

## SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **CULTURE**

**European Cultural Convention** ([ETS No. 18](#)), open for signature, in Paris, on 19 December 1954.

Entry into force: 5 May 1955.

The purpose of this Convention is to develop mutual understanding among the peoples of Europe and reciprocal appreciation of their cultural diversity, to safeguard European culture, to promote national contributions to Europe's common cultural heritage respecting the same fundamental values and to encourage in particular the study of the languages, history and civilisation of the Parties to the Convention. The Convention contributes to concerted action by encouraging cultural activities of European interest.

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**European Convention on the Protection of the Archaeological Heritage** ([ETS No. 66](#)), open for signature, in London, on 6 May 1969.

Entry into force: 20 November 1970.

The Convention applies to all remains and objects, or any other traces of human existence, which bear witness to epochs and civilisations for which excavations and discoveries are the main source, or one of the main sources, of scientific information.

The Parties accept to delimit and protect sites and areas of archaeological interest and to create reserve zones for the preservation of material evidence to be excavated later. The Parties undertake, as far as possible, to prohibit and restrain illicit excavations, to take the necessary measures to ensure that excavations are authorised and entrusted only to qualified persons, as well as to control and protect the results obtained. Moreover, the Parties accept to take measures to ensure scientific publication concerning excavation and discoveries, to facilitate the circulation of archaeological objects for scientific, cultural, and educational purposes and to endeavour to raise public awareness of the historical and cultural value of the archaeological heritage and the necessity to preserve it.

The Convention emphasises the principle of international co-operation, namely in the field of international circulation of archaeological objects (i.e. State control concerning acquisition policy by museums).

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**European Convention on Offences relating to Cultural Property** ([ETS No. 119](#)), open for signature, in Delphi, on 23 June 1985.

Entry into force: The Convention will enter into force following the third ratification.

Based on the concept of common responsibility and solidarity in the protection of European cultural heritage, the Convention aims to protect cultural property against criminal activities. To achieve this objective the Parties undertake to enhance public awareness of the need for protection, to co-operate in the prevention of offences against cultural property, to acknowledge the seriousness of such offences and to provide for adequate sanctions or measures with a view to co-operating in the prevention of offences relating to cultural property and in the discovery of cultural property removed.

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**Convention for the Protection of the Architectural Heritage of Europe** ([ETS No. 121](#)), open for signature, in Grenada, on 3 October 1985.

Entry into force: 1 December 1987.

The main purpose of the Convention is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. It also affirms the need for European solidarity with regard to heritage conservation and is designed to foster practical co-operation among the Parties. It establishes the principles of "European co-ordination of conservation policies" including consultations regarding the thrust of the policies to be implemented.

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**European Convention on the Protection of the Archaeological Heritage (Revised)** ([ETS No. 143](#)), open for signature, in Valetta, on 16 January 1992.

Entry into force: 25 May 1995.

This revised Convention updates the provisions of a previous Convention (ETS No. 66) adopted by the Council of Europe in 1969.

The new text makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. It is concerned in particular with arrangements to be made for co-operation among archeologists and town and regional planners in order to ensure optimum conservation of archaeological heritage.

The Convention sets guidelines for the funding of excavation and research work and publication of research findings. It also deals with public access, in particular to archaeological sites, and educational actions to be undertaken to develop public awareness of the value of the archaeological heritage.

Finally, the Convention constitutes an institutional framework for pan-European co-operation on the archaeological heritage, entailing a systematic exchange of experience and experts among the various States. The Committee responsible for monitoring the application of the Convention assumes the role of strengthening and co-ordinating archaeological heritage policies in Europe.

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**European Convention on Cinematographic Co-Production** ([ETS No. 147](#)), open for signature, in Strasbourg, on 2 October 1992.

Entry into force: 1 April 1994.

The aims of this Convention are to promote the development of European multilateral cinematographic co-production, to safeguard creation and freedom of expression and defend the cultural diversity of the various European countries.

In order to obtain co-production status, the work must involve at least three co-producers, established in three different Parties to the Convention. The participation of one or more co-producers who are not established in such Parties is possible, provided that their total contribution does not exceed 30% of the total cost of the production. The co-produced work must also meet the definition of a European cinematographic work set forth in Appendix II to the Convention.

Once these conditions have been fulfilled, the Convention assimilates all co-productions, which have been given the prior approval of the competent authorities of the Parties, with national films; i.e. they are entitled to the benefits granted to the latter. The Convention also covers the following: the minimum and maximum proportions of contributions from each co-producer; the right of each co-producer to co-ownership of the original, the picture and the sound; the general balance of investments and compulsory artistic and technical participation; the measures to be taken by the Parties to facilitate the production and export of the cinematographic work and the right of each Party to demand a final version of the cinematographic work in one of the languages of that Party.

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**Council of Europe Framework Convention on the Value of Cultural Heritage for Society** ([CETS No. 199](#)), open for signature, in Faro, on 27 October 2005.

Entry into force: 1 June 2011.

This Convention is based on the idea that knowledge and use of heritage form part of the citizen's right to participate in cultural life as defined in the Universal Declaration of Human Rights.

The text presents heritage both as a resource for human development, the enhancement of cultural diversity and the promotion of intercultural dialogue, and as part of an economic development model based on the principles of sustainable resource use.

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**Council of Europe Convention on Cinematographic Co-Production (revised)** ([CETS No. 220](#)), open for signature, in Rotterdam, on 30 January 2017.

Entry into force: 1 October 2017.

The purpose of the revised Convention is to provide a legal and financial framework for the co-production of feature-length films involving production companies established in three or more states Parties. The revised Convention can also be used as a bilateral framework in the absence of a specific co-production treaty between two Parties. The participation of one or more co-producers who are not established in such Parties is possible, provided that their total contribution does not exceed 30% of the total cost of the production. The co-produced work must also meet the definition of an officially co-produced cinematographic work set forth in Appendix II to the Convention.

This Convention brings up to date the provisions of the 1992 European Convention on Cinematographic Co-production (ETS No. 147), in order to reflect the profound changes undergone by the film industry in the intervening period.

The key revisions of the text aim to:

- broaden the scope of the Convention by opening it to accession by non-member States of the Council of Europe and introducing the notion of "official international co-production" to replace that of "official European co-production";
- adjust the minimum and maximum proportions of contributions from each co-producer, to make it easier to participate in official co-productions, while at the same time providing safeguards for national authorities, should they wish to bar access to national production funding schemes;
- ensure monitoring and sharing of best practice in the application of the revised Convention; These functions are to be filled by the Board of Management of the Eurimages Fund, meeting in an enlarged configuration to include all Parties to the revised text;
- facilitate the work of the competent authorities responsible for its application, by updating the procedure for recognition under the Convention to reflect widespread practice.

The revised Convention applies to co-productions where all of the production companies involved are established in Parties to the updated text. The 1992 Convention will continue to apply to any co-production where at least one of the companies involved is established in a Party only to the 1992 Convention.

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**Council of Europe Convention on Offences relating to Cultural Property** ([CETS No. 221](#)), open for signature, in Nicosia, on 19 May 2017.

Entry into force: 1 April 2022.

The Convention on Offences relating to Cultural Property aims to prevent and combat the illicit trafficking and destruction of cultural property, in the framework of the Organisation's action to fight terrorism and organised crime.

The Convention, opened for signature to any country in the world, also aims to foster international co-operation to fight these crimes, which are destroying the world's cultural heritage.

The Convention, which is the only international treaty specifically dealing with the criminalisation of the illicit trafficking of cultural property, establishes a number of criminal offences, including theft; unlawful excavation, importation and exportation; and illegal acquisition and placing on the market. It also criminalises the falsification of documents and the destruction or damage of cultural property when committed intentionally.