



STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

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Palais de l'Europe, Room 5

REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS UNDER THE RESPONSIBILITY OF THE CDCPP

DOCUMENT FOR INFORMATION

Item 3.2 of the draft Agenda

The Committee is invited:

- to take note of the overview of the survey responses provided by the member States as part of the review of the Council of Europe Conventions, and make proposals as to possible action to facilitate ratification such as legal (technical) advice, peer reviews etc;
- to inform the Committee of Ministers accordingly.

Review of the Council of Europe Conventions under the responsibility of the Steering Committee for Culture, Heritage and Landscape (CDCPP)

The Terms of Reference of the CDCPP foresee that the Committee shall carry out, at regular intervals, an examination of the Conventions for which it has been given responsibility, namely:

1. *European Cultural Convention (Council of Europe European Treaty Series (CETS) 18)*
2. *European Convention on the Protection of the Archaeological Heritage (CETS 66)*
3. *Convention on the Conservation of European Wildlife and Natural Habitats (CETS 104)*
4. *European Convention on Offences relating to Cultural Property (CETS 119)*
5. *Convention for the Protection of the Architectural Heritage of Europe (CETS 121)*
6. *European Convention on the Protection of the Archaeological Heritage (Revised) (CETS 143)*
7. *European Convention on Cinematographic Co-Production (CETS 147)*
8. *European Landscape Convention (CETS 176)*
9. *European Convention for the Protection of the Audiovisual Heritage (CETS 183)*
10. *Protocol to the European Convention for the Protection of the Audiovisual Heritage, on the Protection of Television Productions (CETS 184)*
11. *Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS 199)*

In accordance with the decision taken by the CDCPP Bureau at its sixth meeting (Strasbourg, 4-5 November 2014) and with a view to following up these Terms of Reference, the Secretariat issued a questionnaire to the member States/Parties to the conventions under review requesting information on the signing and ratification of conventions, possible problems encountered and suggestions.

Approximately 26 States replied. For all details see documents:

CDCPP(2015)3 Add. 1: Answers received classified by State;

CDCPP(2015)3 Add. 2: Answers received classified by Convention.

A summary of the information given in the replies is provided in the Appendix to this document.

The Committee is invited to take note of the overview and discuss whether any further action might be appropriate, including informing the Committee of Ministers of the outcome of the survey.

APPENDIX

OVERVIEW OF THE REPLIES TO THE QUESTIONNAIRE ON CONVENTIONS

1) European Cultural Convention (Council of Europe European Treaty Series (CETS18))

Of the 29 replies received to this survey, all had signed the Convention. It is viewed as highly relevant and deeply engrained in the cultural policy of the signatories to the Convention. The European Cultural Convention received almost no negative comments from the respondents. There was only one mention of the Convention needing to “evolve” to keep up to date with the changes in European culture since the drafting of the Convention.

Many acknowledged the framework of the Convention as being a strong template for the drafting of national cultural policies. Its focus on raising public awareness about cultural heritage was also widely recognised.

Very few problems with the implementation of the Convention were reported. It was noted that the Convention’s message is more important now than ever in fostering “understanding and acceptance” across Europe. One State feels it cannot take full advantage of the intercultural exchanges due to the lack of financial resources.

The States outlined many varying ways in which they implement the spirit of the Convention including financial support to local and national projects, participating in the various CoE Cultural Committees, bi-lateral cooperation agreements with other States, drafting policy papers with the Convention as the key reference point. Language is an important aspect of the Convention with many States highlighting their work in promoting the learning of their own language abroad through language networks and institutes as well as ensuring that their young people learn foreign languages in school.

2) European Convention on the Protection of the Archaeological Heritage (CETS 66)

This Convention came into force in 1970 but was revised in 1995. Therefore of the 27 states who replied, ten States had never signed whilst the member States who had ratified, 15 in all, had later denounced this Convention in order to ratify the revised Convention. Only Luxembourg and Italy had not denounced the Convention. Most surveys pointed to their answers on the revised version, the European Convention on the Protection of the Archaeological Heritage (Revised) (CETS 143).

3) Convention on the Conservation of European Wildlife and Natural Habitats (CETS 104)

Of the 28 respondents, all besides the Holy See had ratified the Convention.

Two countries raised the issue of the protection of wolves (*Canis Lupus*) under the Convention. Wolves fall under different categories of protection in varying conventions and directives which causes states difficulty in their management of the wolf population. Some States believe the Bern Convention to be too restrictive for their specific cases. Another issue that was flagged was the lack of human material and technical capacities at a national level.

Helping the non-EU States to improve their implementation of the Convention was highlighted as a necessary improvement. One state noted that a lack of financial resources and limited institutional framework impeded their implementation of the Convention.

Slovenia indicated that it may withdraw a reservation made in relation to the provisions for Art. 6 for wolf (*Canis lupus*) and brown bear (*Ursus arctos*).

Croatia made a few reservations and indicated that due to their entry into the European Union, they were planning to withdraw their reservations for three species (*Felis silvestris*, *Ursus arctos* and *Vipera ammodytes*).

Another State noted that although most provisions of the Convention are met, there are some concerns about the implementation of the Convention mainly due to financial and human resources constraints as well as limitations in scientific expertise.

It is recalled that the management of this Convention is ensured through its own monitoring mechanism (Bern Convention Committee).

4) The European Convention on Offenses relating to Cultural Property (CETS 119)

This Convention, although signed by 6 states, did not reach the necessary 3 ratifications to come into force. The respondents noted that the topics dealt with in the Convention were adequately covered by their national legislation as well as some EU Directives and UNESCO Conventions. The Convention was drafted in 1985 so some states believe that it might serve a better purpose if it was upgraded.

One State indicated that it has started the process to ratify this Convention. Another also noted that they are considering the ratification but feel a revised document is necessary to take account of developments.

5) Convention for the Protection of the Architectural Heritage of Europe (CETS 121)

Of the 28 respondents, 24 have ratified the Convention, two have signed but not yet ratified and two have yet to sign the Convention.

One response pointed out that due to the general nature of the Convention, it can be difficult to implement specific initiatives so they would favour a more precise framework for the implementation of policies.

Another State noted some themes of the Convention are “challenging in practice” such as public access to architectural heritage sites, and valuing architectural heritage.

One State mentioned the strengthening of their laws on the protection of Cultural Heritage which will lead to the further implementation of the Convention.

One State listed a number of Articles that it found difficulty applying.

6) European Convention on the Protection of the Archaeological Heritage (Revised) (CETS 143)

From the group of 29 respondents to the survey, 27 had signed/ratified CETS 143 with one State waiting on National legislation to pass before ratifying the Convention and another awaiting Senate approval.

Many States highlighted that the aims of the Convention were embodied in their national policies on heritage protection and planning.

Some challenging aspects of the legislation were archaeological and financial namely in the areas of property and development. For one State, thanks to increased awareness of the importance of these cultural heritage sites, the threat caused by development and tourism is gradually being reduced. For this State, the Convention would need to evolve with new approaches being developed for archaeological heritage management.

One State mentioned that a guidance clarifying the provisions related to the financing of archaeological operations in public and private development schemes is about to be published.

Another State also provided a lengthy list of Articles which it has had issues applying.

One State believes that a possible revision may be needed in order to harmonize the Convention to the spirit of the European Landscape Convention as well as the Faro Convention.

7) European Convention on Cinematographic Co-Production (CETS 147)

Of the 29 surveys answered, 26 states had ratified the Convention while two had not and another had signed but not yet ratified.

No member state reported any major problems with the application of the Convention. However, states did discuss the need for a number of adjustments to the Convention to fall in line with technological developments and changes to the European audiovisual sector over the last two decades.

One State offered a number of areas which they believe need addressing to ensure the proper implementation of the Convention. They mention concerns surrounding the consultation process and communication issues. It also noted that it intends to modify a declaration made in 1996. They also provided a list of suggestions on improved implementation.

Other countries noted a problem with the provision of Article 6 paragraph 1 and with Annex 1, so would like to see TV included along with more flexibility for post-production outside of the co-producing States.

It is recalled that the revision of this Convention is underway and that the CDCPP will be invited to approve the draft revised Convention at its present meeting.

8) European Landscape Convention (CETS 176)

From the pool of 29 respondents to the survey, 22 member states have ratified the Convention. Of the seven who have yet to ratify, two noted their intentions to ratify in the near future.

Some replies complimented the “holistic approach to the development of landscape policies” embodied by the ELC, and outlined how the Convention already plays a leading role in the implementation of relevant policies although the State in question has yet to ratify it, and acknowledged the Convention’s impact on its relevant legislation.

Other replies noted that implementation was difficult as the Convention falls under the remit of various sectors and ministries, stating that a new model of cooperation and inter-ministerial coordination was required. Two states made very similar comments, noting the importance of international cooperation and knowledge sharing.

One State stated that it does not intend to sign the Convention at this time due to financial reasons as well as the belief that the Convention does not have enough focus on environmental protection and nature conservation. Another State, who has ratified, also mentioned severe budget restrictions as an issue.

For another State the Convention plays a pivotal role in the ongoing evaluation/revision of the Regional Plans for territorial development in its 12 regions, ensuring the plans contain a landscape dimension. Another State also outlined in detail how the Convention was being integrated into the national strategies and plans.

For some states, improving landscape management is the main challenge. New methodologies for landscape assessment which emphasize the role of society, enhance landscape planning in the spatial planning system or even build on a specific “Landscape Management Fund” are mentioned.

One State regrets their Convention implementation is made difficult by the lack of domestic legal arrangements concerning Landscape. Another State would like to see the Convention devote more attention to issues of identity and the link between people and places.

9) European Convention for the Protection of the Audiovisual Heritage (CETS 183)

Sixteen of the 29 respondents have neither signed nor ratified CETS 183. Some countries declare having problems with the provisions of the Convention on the obligatory legal deposit, thus holding back from ratification.

Another State suggested that more information and training be shared between the parties to the convention about the systematic storage of audiovisual works to prevent the deterioration of archives.

One reply mentioned a problem with the conservation of the digital data of the native films.

10) Protocol to the European Convention for the Protection of the Audio-visual Heritage, on the Protection of Television Productions (CETS 184)

Of the 29 member states who answered the survey, only four have ratified the Convention.

In one State, an issue with the application of the Convention is that the protocol is under the jurisdiction of numerous ministries. Another State recommends that the Convention be revised to keep up with the developments in digital media technology.

11) Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS 199)

From the 29 states who returned the survey, 11 have ratified, 16 have not and two have signed but the internal procedures are taking time to be concluded.

One State recommends exploring potential synergies with other very complementary COE and UNESCO Conventions, another notes the familiar issue of cross-ministerial cooperation which can sometimes prove challenging. They also mentioned the concept of 'heritage communities' being hard to implement in practice. One reply refers to the "general character of the Convention", as an obstacle to its ratification. However, ratification in the near future is considered as likely by these states.

Another State notes that the Faro Convention cannot be directly implemented in the national legal framework, but rather it changes the attitudes and the understanding of the cultural sector towards cultural heritage and heritage communities. One state feels that minority groups need special support and measures for their presentation and protection of all kinds of heritage.