



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.12.1996
COM(96) 627 final

95/0078 (COD)

OPINION OF THE COMMISSION

pursuant to Article 189 b (2) (d) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the

proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

establishing a Community action programme
in the field of cultural heritage:
the Raphaël programme

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 189 a (2) of the EC Treaty

1. Introduction

- 1.1 On 6 April 1995 the Commission presented a proposal for a Parliament and Council Decision establishing a Community action programme in the field of cultural heritage - the Raphaël programme (COM(95) 110 final).
- 1.2 On 8 July 1996 the Council adopted a common position on the Commission proposal pursuant to the second subparagraph of Article 189b(2) of the EC Treaty (Common Position (EC) No 51/96).
- 1.3 On 22 October 1996 Parliament delivered its opinion on the Council's Common Position pursuant to Article 189b(2)(d) of the EC Treaty.
- 1.4 In this document the Commission sets out its opinion on the seven amendments proposed by Parliament, as required by Article 189b(2)(d) of the EC Treaty. The reasons for this opinion are explained in paragraph 3 below. In Annex 1 the left-hand column shows the relevant sections of the Common Position before amendment whilst the right-hand column shows those same sections incorporating the amendments accepted by the Commission.

2. Aims of the proposal

The aim of the proposal is that Parliament and the Council should adopt, under the co-decision procedure, a programme concerning Europe's movable and non-movable cultural heritage.

- The aim of the action programme is to give fresh impetus to Community activities in this field, which has been designated as a priority area for Community cultural action.
- This programme, which calls for the pooling of expertise on quality projects with a European dimension, should make a significant contribution to "creating an ever-closer union among the people's of Europe"¹ and "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"² and should serve to affirm European citizenship.
- The programme is designed to encourage cooperation between Member States and to support and supplement the action taken by Member States, by the regions and by the various cultural bodies, both public and private.

¹ Treaty on European Union, Article A.

² EC Treaty, Article 128(1).

- The specific objectives of the programme may be classified as follows:
- Action I Conservation, protection and development of the European cultural heritage by means of European cooperation
- Action II Cooperation for the exchange of know-how and the development of the techniques applied in the heritage sector
- Action III Public access, involvement and awareness
- Action IV Cooperation with non-member countries and international organizations.

3. Commission position on the amendments proposed by Parliament at second reading

3.1 Amendments accepted

The Commission accepts 5 of the 7 amendments proposed by Parliament, namely amendments 1, 2, 6, 7 and 8.

- Amendments 1, 2 and 8 clarify the distinction between heritage and tourism and redefine the "sensitive" groups.
- Amendment 6 would delete the Article providing for a review of the overall budget, which the common position sets at ECU 30 million for four years. As the Commission maintains its proposal (ECU 67 million for five years or ECU 57 million for four years), there would be no need for a review of the budgetary allocation. The Commission therefore agrees that this Article should be deleted.
- Amendment 7 would raise the maximum amount for projects under Action I. The Commission feels that the new ceiling (ECU 250 000) is more realistic, particularly after one year of implementing the preparatory measures for Raphaël.

3.2 Amendments rejected

Amendments 4 and 5 are rejected:

- Amendment 4 would delete Article 8, which contains the advisory committee procedure (procedure I of Decision 87/373/EEC) to which the Commission remains attached, having mentioned it expressly in its statement when the common position was adopted and repeated it in its communication to Parliament on the common position. At the same time the Commission also reserved the right to review the entire wording of Articles 7 and 8. It is therefore with a view to remaining coherent that it has rejected amendment 4.

- Amendment 5 provides for an overall budget of ECU 86 million for a four-year period (1997-2000) instead of the ECU 30 million which the Common Position would make available over the same period. The Commission maintains its original proposal of ECU 67 million over five years (1996-2000) that is, ECU 57 million for 1997-2000;

4. Conclusion

The Commission recommends that the Council approve the amended proposal shown at Annex I.

ANNEX 1

Amended proposal for a Decision of the European Parliament and of the Council

establishing a Community action programme
in the field of cultural heritage –
The Raphael programme

Common position of the Council

Modified proposal

THE EUROPEAN PARLIAMENT AND THE
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the
European Community, and in particular
Article 128 thereof,

Having regard to the proposal from the
Commission ¹,

Having regard to the Opinion of the Economic
and Social Committee ²,

Having regard to the Opinion of the Committee
of the Regions ³,

Acting in accordance with the procedure laid
down in Article 189b of the Treaty ⁴,

THE EUROPEAN PARLIAMENT AND THE
COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the
European Community, and in particular
Article 128 thereof,

Having regard to the proposal from the
Commission ¹,

Having regard to the Opinion of the Economic
and Social Committee ²,

Having regard to the Opinion of the Committee
of the Regions ³,

Acting in accordance with the procedure laid
down in Article 189b of the Treaty ⁴,

1. OJ No C 265, 12.9.1996, p.4.

2. OJ No C 256, 2.10.1995, p. 38.

3. OJ No C 100, 2. 4.1996, p. 119.

4. Opinion of the European Parliament of 22 October 1996 on the Council common position of 8 July 1996 (OJ No C 264, 11.9.1996, p. 69).

Common position of the Council

Modified proposal

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| (1) | Whereas the most tangible and influential reality of Europe as a whole is not merely its geographical, political, economic and social features but also its culture; | (1) | Whereas the most tangible and influential reality of Europe as a whole is not merely its geographical, political, economic and social features but also its culture; |
| (2) | Whereas Title IX of the Treaty is devoted specifically to culture and states that the Community 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; | (2) | Whereas Title IX of the Treaty is devoted specifically to culture and states that the Community 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; |
| (3) | Whereas Article 128 of the Treaty identifies cultural heritage as a specific field of action and that cultural heritage is the expression of national and regional identities and the links between peoples; whereas it must be preserved and the public's access to it improved (including for those who face particular problems of access) in order to contribute to greater mutual understanding and respect; | (3) | Whereas Article 128 of the Treaty identifies cultural heritage as a specific field of action and that cultural heritage is the expression of national and regional identities and the links between peoples; whereas it must be preserved and the public's access to it improved (including for those who face particular problems of access) in order to contribute to greater mutual understanding and respect; |
| (4) | Whereas Community action can contribute to better preservation of the cultural heritage by promoting the exchange of experiences and expertise and encouraging operational synergies and partnership; | (4) | Whereas Community action can contribute to better preservation of the cultural heritage by promoting the exchange of experiences and expertise and encouraging operational synergies and partnership; |
| (5) | Whereas, because of its socio-economic dimension, the preservation of the cultural heritage is an element in a design for society and can contribute significantly to job creation and regional development and to improving the quality of life and the day-to-day environment of ordinary people; whereas contemporary creative work can play an important role in this respect; | (5) | Whereas, because of its socio-economic dimension, the preservation of the cultural heritage is an element in a design for society and can contribute significantly to job creation, <u>the promotion of tourism</u> and regional development and to improving the quality of life and the day-to-day environment of ordinary people; whereas contemporary creative work can play an important role in this respect; |
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Common position of the Council

Modified proposal

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| (6) | Whereas culture is an important area for action in the context of the information society, as highlighted in the Commission communication entitled <i>Europe's way to the information society: an action plan</i> ; | (6) | Whereas culture is an important area for action in the context of the information society, as highlighted in the Commission communication entitled <i>Europe's way to the information society: an action plan</i> ; |
| (7) | Whereas research must be carried out at Community level on the preservation of the cultural heritage; whereas Community action in research, technological development and demonstration is undertaken in accordance with the technological research and development Framework Programme ¹ , which could be of benefit to this programme; | (7) | Whereas research must be carried out at Community level on the preservation of the cultural heritage; whereas Community action in research, technological development and demonstration is undertaken in accordance with the technological research and development Framework Programme ¹ , which could be of benefit to this programme; |
| (8) | Whereas the Commission has gained experience through the activities undertaken to date in particular in the field of architectural heritage and the results of the consultations it has held with all the parties concerned; | (8) | Whereas the Commission has gained experience through the activities undertaken to date in particular in the field of architectural heritage and the results of the consultations it has held with all the parties concerned; |
| (9) | Whereas the European Parliament attaches importance to Community action in favour of heritage, and in particular to training, research, raising the awareness of young people and adolescents, cooperation with non-member countries and the Council of Europe and links with other Community policies, particularly as regards training and regional development ² ; | (9) | Whereas the European Parliament attaches importance to Community action in favour of heritage, and in particular to training, research, raising the awareness of young people and adolescents, cooperation with non-member countries and the Council of Europe and links with other Community policies, particularly as regards training and regional development ² ; |

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1. Decision No 1110/94/EC of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998), OJ No L 126, 18.5.1994, p. 1.
 2. European Parliament Resolution on protecting the European cultural heritage, OJ No C 62, 30.5.1974, p. 5.
European Parliament Resolution on the protection of the architectural and archaeological heritage, OJ No C 267, 11.10.1982, p. 25.
European Parliament Resolution on the conservation of the Community's architectural and archaeological heritage, OJ No C 309, 5.12.1988, p. 423.
European Parliament Resolution on preserving the architectural heritage and protecting cultural assets, OJ No C 72, 15. 3.1993, p. 160.
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Common position of the Council

Modified proposal

- (10) Whereas the European Parliament has passed Resolutions on the contribution of the Community to work on restoring outstanding examples of the architectural heritage¹ ;
- (11) Whereas the Council has expressed an interest in closer cooperation in the areas of architectural heritage, works of art, artifacts and archives, in particular as regards the exchange of knowledge, documentation and training and in view of the important role of networks of cultural organizations in cultural cooperation in Europe² ;

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1. European Parliament Resolution on economic aid to Mount Athos (monastery region), OJ No C 144, 15.6.1981, p. 92.
European Parliament Resolution on the participation of Community financial instruments in the restoration of the historic centre of the city of Palermo, OJ No C 187, 18.7.1988, p. 160.
European Parliament Resolution on aid for the reconstruction of the Chiado district of Lisbon, OJ No C 262, 10.10.1988, p. 110.
European Parliament Resolution on the conservation of the Community's architectural and archaeological heritage, OJ No C 309, 5.12.1988, p. 423.
European Parliament Resolution on the fire at the Gran Teatro del Liceo (Barcelona), OJ No C 61, 28.2.1994, p. 184.
2. Resolution of the Ministers responsible for Cultural Affairs meeting within the Council of 13 November 1986 on the protection of Europe's architectural heritage, OJ No C 320, 13.12.1986, p. 1.
Resolution of the Ministers with responsibility for Cultural Affairs meeting within the Council of 13 November 1986 on the conservation of works of art and artifacts, OJ No C 320, 13.12.1986, p. 3.
Resolution of the Council and the Ministers of Culture meeting within the Council of 14 November 1991 on arrangements concerning archives, OJ No C 314, 5.12.1994, p. 2.
Council conclusions of 17 June 1994 concerning greater cooperation in the field of archives, OJ No C 235, 23.8.1994, p. 3.
Resolution of the Council and the Ministers of Culture meeting within the Council of 14 November 1991 on European cultural networks, OJ No C 314, 5.12.1991, p. 1.
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Common position of the Council

Modified proposal

(12) Whereas, in its communication "New prospects for Community cultural action", the Commission states that Community action should be extended to the moveable heritage and steps taken to promote dialogue and cooperation between those involved and encourage the dissemination of experiences and specialized information; whereas the European Parliament and the Council have encouraged this approach¹ ;

(13) Whereas the European institutions have stressed the importance of integrating the different aspects of cultural heritage in a coherent Community action² which takes account of the richness and diversity of the moveable and non-moveable heritage and supports the work of the numerous parties involved;

(14) Whereas it remains necessary to communicate to as wide a public as possible, by means of general information, the importance of protecting the cultural heritage;

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1. European Parliament Resolution on the Commission communication entitled "New prospects for Community cultural action", OJ No C 42, 15.2.1993, p. 173.
European Parliament Resolution on Community policy in the field of culture, OJ No C 44, 14.2.1994, p. 184.
Conclusions of the Council and Ministers of Culture meeting within the Council of 12 November 1992 on guidelines for Community cultural action, OJ No C 336, 19.12.1992, p. 1.
 2. European Parliament Resolution on preserving the architectural heritage and protecting cultural assets, OJ No C 72, 15. 3.1993, p. 160.
Council conclusions of 17 June 1994 on drawing up a Community Action Plan in the field of cultural heritage, OJ No C 235, 23.8.1994, p. 1.
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Common position of the Council

Modified proposal

- (15) Whereas Community action should take account of the changing nature of the definition of heritage and include all types of heritage by encouraging multidisciplinary approaches;
- (16) Whereas the Commission has organized consultations with all interested parties, particularly the departments in the Member States, the professionals, non-governmental organizations, foundations and associations, with a view to preparing an action programme in the field of cultural heritage;
- (17) Whereas there are numerous links between the cultural heritage in the Community and that in third countries; whereas, therefore, this field is ideally suited to developing forms of cooperation with third countries and with the Council of Europe and other competent international organizations in the cultural sector such as UNESCO, in accordance with the requirements of the Treaty and the conclusions and resolutions cited above;
- (18) Whereas the conclusions of the Copenhagen European Council of 21-23 June 1993 call for Community programmes to be opened up to the countries of Central and Eastern Europe that are party to association agreements; whereas the Community has signed cooperation agreements that include a section on culture with certain third countries;

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Common position of the Council

Modified proposal

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| (19) | Whereas this Decision lays down, for the entire duration of the programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration by the European Parliament, the Council and Commission of 6 March 1995, for the budgetary authority during the annual budgetary procedure; | (19) | Whereas this Decision lays down, for the entire duration of the programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration by the European Parliament, the Council and Commission of 6 March 1995, for the budgetary authority during the annual budgetary procedure; |
| (20) | Whereas measures under this programme will also take account of the complementary nature of measures which may be taken under other Community policies; | (20) | Whereas measures under this programme will also take account of the complementary nature of measures which may be taken under other Community policies; |
| (21) | Whereas the implementation of this programme relies on close cooperation with the national authorities, with a view to ensuring that Community action supports and supplements activities at national level in confirming respect for the principle of subsidiarity, as it is defined by Article 3b of the Treaty; | (21) | Whereas the implementation of this programme relies on close cooperation with the national authorities, with a view to ensuring that Community action supports and supplements activities at national level in confirming respect for the principle of subsidiarity, as it is defined by Article 3b of the Treaty; |
| (22) | Whereas, in the light of experience, it might prove necessary to amend the thresholds laid down for the Community financial contribution for the various types of project provided for in the Annex (Actions I, II and III); | (22) | Whereas, in the light of experience, it might prove necessary to amend the thresholds laid down for the Community financial contribution for the various types of project provided for in the Annex (Actions I, II and III); |
| (23) | Whereas a modus vivendi was concluded on 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty ¹ , | (23) | Whereas a modus vivendi was concluded on 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty ¹ , |

1. OJ No C 102, 4.4.1996, p. 1.

HAVE DECIDED AS FOLLOWS:

Article 1

The Raphael action programme in the field of cultural heritage, hereinafter referred to as "the programme", is hereby established for the period from 1 January 1997 to 31 December 2000.

The aim of the programme is to support and supplement, through cooperation, the action taken by the Member States in the field of cultural heritage of European importance.

Article 2

Without prejudice to the powers of the Member States to define cultural heritage, for the purposes of the scope of the programme:

- "cultural heritage" shall mean moveable and immoveable heritage (museums and collections, libraries and archives including photographic, cinematographic and sound archives), archaeological and underwater heritage, architectural heritage, assemblages and sites and cultural landscapes (assemblages of cultural and natural objects);
- "preservation" shall mean all activities contributing to better knowledge, management, conservation, restoration, display and accessibility of cultural heritage.

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Article 3

The programme shall encourage cooperation at European level between Member States in the field of cultural heritage. It shall support and supplement their action in accordance with the principle of subsidiarity by contributing to the flowering of their cultures, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

To that end and in accordance with the general aim set out in the second subparagraph of Article 1, the following are the specific objectives of the programme based on the development of transnational cooperation:

- (a) to encourage the conservation and restoration of aspects of the cultural heritage which are of European importance, helping to develop and promote them;
- (b) to encourage the development of transnational cooperation between institutions and/or those involved in the cultural heritage field, in order to contribute to the pooling of skills and the development of best practice in the preservation of the cultural heritage;
- (c) to improve access to the cultural heritage in its European dimension and encourage the active participation of the general public, in particular children and young people, in the safeguarding and development of the European cultural heritage;
- (d) to encourage transnational cooperation in developing new technologies for application in the various heritage categories and disciplines and in preserving traditional cultural heritage trades and techniques;

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To that end and in accordance with the general aim set out in the second subparagraph of Article 1, the following are the specific objectives of the programme based on the development of transnational cooperation:

- (a) to encourage the conservation and restoration of aspects of the cultural heritage which are of European importance, helping to develop and promote them;
- (b) to encourage the development of transnational cooperation between institutions and/or those involved in the cultural heritage field, in order to contribute to the pooling of skills and the development of best practice in the preservation of the cultural heritage;
- (c) to improve access to the cultural heritage in its European dimension and encourage the active participation of the general public, in particular children and young people, the under-privileged and those living in the outlying and rural areas of the Union, in the safeguarding and development of the European cultural heritage;
- (d) to encourage transnational cooperation in developing new technologies for application in the various heritage categories and disciplines and in preserving traditional cultural heritage trades and techniques;

Common position of the Council

- (e) to have account taken of the heritage dimension in other Community programmes and policies;
- (f) to encourage cooperation with third countries and the relevant international organizations.

Article 4

In order to achieve the objectives set out in the second subparagraph of Article 3, the projects developed under the programme will have to have a European dimension and offer added value compared with actions carried out in the Member States and meet the following criteria:

- contribute to the promotion of the cultural heritage, including the provision of information on it;
- present interest at Community level because of their exemplary, innovative or informative nature;
- deal with problems posed by the preservation of the cultural heritage and contribute to the development of the best preservation practices;
- be likely to produce a multiplier effect in cultural, educative or socio-economic terms.

Modified proposal

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Article 4

In order to achieve the objectives set out in the second subparagraph of Article 3, the projects developed under the programme will have to have a European dimension and offer added value compared with actions carried out in the Member States and meet the following criteria:

- contribute to the promotion of the cultural heritage, including the provision of information on it;
- present interest at Community level because of their exemplary, innovative or informative nature;
- deal with problems posed by the preservation of the cultural heritage and contribute to the development of the best preservation practices;
- be likely to produce a multiplier effect in cultural, educative or socio-economic terms.

Article 5

The actions described in the Annex shall be carried out in pursuit of the objectives set out in the second subparagraph of Article 3. They shall be implemented in accordance with the procedure laid down in Article 7.

Article 6

1. The programme shall be open to participation by the associated countries of Central and Eastern Europe in accordance with the conditions laid down in the Additional Protocols to the Association Agreements on participation in Community programmes concluded, or to be concluded, with those countries. The programme shall be open to participation by Cyprus and Malta and to cooperation with other third countries which have concluded association or cooperation agreements involving cultural clauses, on the basis of additional appropriations to be provided according to procedures to be agreed with those countries.

2. The Community and the Member States shall promote cooperation with the Council of Europe and with other relevant international organizations in the cultural sector (e.g. UNESCO), while ensuring that the instruments adopted are complementary and respect the individual identity and autonomy of each institution and organization and that resources are put to the best possible use.

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The actions described in the Annex shall be carried out in pursuit of the objectives set out in the second subparagraph of Article 3. They shall be implemented in accordance with the procedure laid down in Article 7.

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2. The Community and the Member States shall promote cooperation with the Council of Europe and with other relevant international organizations in the cultural sector (e.g. UNESCO), while ensuring that the instruments adopted are complementary and respect the individual identity and autonomy of each institution and organization and that resources are put to the best possible use.

Article 7

1. The Commission shall implement the programme in accordance with this Decision.
2. In carrying out its task, the Commission shall be assisted by a Committee composed of two representatives per Member State and chaired by the representative of the Commission. Members of the Committee may be assisted by experts or advisers.
3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken with regard to:
 - the annual work programme;
 - a general picture of the balance between the various actions;
 - the selection rules and criteria for the various types of project described under each of the actions provided for in the Annex;
 - projects in which the requested Community contribution exceeds ECU 30 000. That threshold may be revised by the Committee in the light of experience;
 - any amendment of the thresholds for the Community financial contribution for the various types of project provided for in the Annex (Actions I, II and III);

Article 7

1. The Commission shall implement the programme in accordance with this Decision.
2. **The following measures shall be adopted in accordance with the procedure set out in Article 8(2):**
 - the annual work programme;
 - a general picture of the balance between the various actions;
 - the selection rules and criteria for the various types of project described under each of the actions provided for in the Annex;
 - any amendment of the thresholds for the Community financial contribution for the various types of project provided for in the Annex (Actions I, II and III);

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- the detailed rules for monitoring and assessing the programme and the conclusions of the evaluation reports laid down in Article 11 and any other measure readjusting the programme arising therefrom.

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- the detailed rules for monitoring and assessing the programme.

4. The Committee shall deliver its opinion on the draft of the measures referred to in paragraph 3 within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt measures which shall apply immediately.

However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of two months from the date of such communication.

The Council, acting by qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

5. Members of the boards for the selection of projects shall be appointed on proposals from the Member States. The proceedings of the boards – the composition of which may not be made public until the completion of their tasks – must remain confidential and decisions must be taken by consensus.

3. Decisions on the granting of Community financial assistance for projects for which the assistance exceeds ECU 30 000 shall be adopted in accordance with Article 8(3).

Article 8

1. The Commission may consult the Committee on any other question concerning the implementation of the programme as well as on the measures provided for in Article 7(3).

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The representative of the Commission shall keep the Committee informed in good time and on a regular basis of the financial assistance granted under the programme (amount, duration, breakdown, beneficiaries).

Article 8

1. The Commission shall be assisted by a Committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

The Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

4. At the request of the Commission, the Committee may examine any matter relating to the application of this Decision.

Common position of the Council

Article 9

1. The financial framework for the implementation of the programme for the period referred to in Article 1 is hereby set at ECU 30 million.
2. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.
3. The financial framework mentioned in paragraph 1 will be subject to re-examination before the end of the second year, on a proposal from the Commission, in the light of the budgetary situation and the results obtained in the first phase of the programme.

Article 10

The Commission shall seek to ensure, if necessary in collaboration with the Member States, that the actions provided for in the programme and the other cultural programmes, and in programmes under other provisions of the Treaty with cultural-heritage aspects, are coherent and complementary; it shall also assess the overall effect of these programmes on the heritage.

Article 11

1. After the programme has been in operation for two years and six months, and within six months of the end of that period, the Commission, after having consulted the Committee, shall present a detailed evaluation report on the results achieved to the European Parliament and the Council, accompanied, where necessary, by any measures to adjust the programme. This report is intended to assess, both qualitatively and quantitatively, the extent to which the programme has achieved the objectives listed in Article 3.
2. After the programme has been carried out, the Commission shall submit to the European Parliament, the Council and the Committee of the Regions a qualitative and quantitative report on the implementation and achievements of the programme in the light of the objectives referred to in paragraph 1.

Modified proposal

Article 9

1. The financial framework for the implementation of the programme for the period referred to in Article 1 is hereby set at ECU 57 million.
2. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

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Article 10

The Commission shall seek to ensure, if necessary in collaboration with the Member States, that the actions provided for in the programme and the other cultural programmes, and in programmes under other provisions of the Treaty with cultural-heritage aspects, are coherent and complementary; it shall also assess the overall effect of these programmes on the heritage.

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Article 12

The programme, together with practical information, for each of the actions or measures, as regards the procedure, the closing dates for the submission of applications and the documents which must accompany applications, shall be published each year in the "C" series of the Official Journal of the European Communities.

The Commission shall give priority to publicity and the dissemination of information on the programme so as to ensure that all cultural operators and networks are informed about and aware of the actions which concern them.

All projects receiving financial support under the programme shall be required to display the European Union flag and acknowledgement of the funding.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

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ANNEXCommunity action programme
in the field of cultural heritage –
The Raphael programme

The aim of the Raphael programme is to support actions at European level in all categories of moveable and immoveable cultural heritage, in compliance with the principle of subsidiarity.

Action I – Conservation, safeguarding and development of the European cultural heritage through European cooperation

- The aim of this action is to contribute to the conservation, safeguarding and development of the European cultural heritage, particularly if under threat, by encouraging the development and pooling of the best practices with a view to creating an environment conducive to the preservation and restoration of the cultural heritage.
- This action will involve the following measures:
 1. Support for projects for the conservation and safeguarding of the cultural heritage which qualify as "European heritage laboratories" by virtue of the interest or exemplary value of their content. The projects must be submitted by the competent authorities in the Member States and must relate to works, monuments or sites of exceptional historic, architectural or artistic importance, and especially those where operations of particular complexity from the scientific and/or technical point of view are required for their conservation.

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The "laboratories", which may be granted Community support under the programme for four years, should particularly associate with their operation a multidisciplinary European team bringing together the most eminent specialists, with a view to studying extremely difficult conservation problems and developing appropriate approaches, methods and/or techniques, ensuring added value in each project. Those in charge of projects will be expected to ensure that experience acquired in the course of projects is adequately disseminated.

2. Support for projects for the conservation and safeguarding of the European cultural heritage in connection with common themes to be determined by the Commission after submission to the Committee referred to in Article 7 of the Decision, bearing in mind problem areas relating to the different categories of the cultural heritage. The projects, which should be submitted by the person(s) in charge of the property concerned, may last a maximum of three years. Priority will be given to projects having exemplary value and a multiplier effect in cultural, technical and socio-economic terms and/or in terms of access to heritage. Those in charge of projects will be expected to ensure that experience acquired in the management and/or preservation problems involved is adequately disseminated among professionals.

Community support is intended to contribute to the added European value of the projects carried out within the framework of this action and to the creation of conditions for the development of European know-how.

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Community support is intended to contribute to the added European value of the projects carried out within the framework of this action and to the creation of conditions for the development of European know-how.

Common position of the Council

Projects must have a balanced financing plan setting out the financial requirements of the action for which administrative costs must not exceed 12% of the Community financing of the project.

Community financial assistance for a project under this action may not exceed 50% of the total cost of the project in question and, in the case of projects under paragraph 2, may not exceed ECU 150 000.

Projects shall be the subject of individual applications to the European Community. Each application shall include:

- a detailed description of the actions. An opinion on the technical conformity of the project must be established by the competent authorities in the Member States and reach the Commission within the time limit for the submission of projects. If the opinion is not available within a deadline to be fixed, the procedure for selection of the project will go ahead;
- a detailed estimated budget for these actions.

The resources to be committed to this action shall amount to approximately 50% of the overall budget allocated to the programme.

Modified proposal

Projects must have a balanced financing plan setting out the financial requirements of the action for which administrative costs must not exceed 12% of the Community financing of the project.

Community financial assistance for a project under this action may not exceed 50% of the total cost of the project in question and, in the case of projects under paragraph 2, may not exceed ECU 250 000.

Projects shall be the subject of individual applications to the European Community. Each application shall include:

- a detailed description of the actions. An opinion on the technical conformity of the project must be established by the competent authorities in the Member States and reach the Commission within the time limit for the submission of projects. If the opinion is not available within a deadline to be fixed, the procedure for selection of the project will go ahead;
- a detailed estimated budget for these actions.

The resources to be committed to this action shall amount to approximately 50% of the overall budget allocated to the programme.

Common position of the Council

Action II – Cooperation for the exchange of experiences and the development of techniques applied to the heritage

- The aim of this action is to encourage the strengthening of transnational cooperation for the pooling of skills and development of best practice through networks and partnerships and through the mobility of professionals between heritage-sector institutions and/or operators. Particular attention will be given to the development of new technologies applied to different cultural-heritage disciplines and to the preservation of traditional heritage trades and techniques.

Depending on the theme they deal with, networks will be able to bring together public and/or private institutions and/or operators in the heritage field and, if necessary, other public and/or private institutions, research centres and companies with a special interest.

- The action will involve the following measures:

1. Innovation and new technologies

- 1.1. Support for projects intended to identify research requirements – to be developed at Community level – in the heritage field, to circulate research work to heritage professionals and develop practical applications for the use of professionals working in the field. These measures will be developed as far as possible in synergy with the framework research programme. Any subsequent research action will be carried out within the RTD framework programme in accordance with its provisions.

Modified proposal

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Depending on the theme they deal with, networks will be able to bring together public and/or private institutions and/or operators in the heritage field and, if necessary, other public and/or private institutions, research centres and companies with a special interest.

Special attention shall be paid to networks which encourage access to the cultural heritage for the most disadvantaged sections of the population.

- The action will involve the following measures:

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Common position of the Council

1.2. Support for projects for the application to different heritage disciplines of new technologies and services (restoration and preservation techniques; audiovisual and multimedia products, advanced information and communications services, etc.).

2. Mobility and training of professionals

2.1. Support for projects for exchange of professionals in the various heritage categories and disciplines, enabling them to work for a maximum of 12 months in an equivalent professional environment in another Member State.

Community support will be directed towards organizing exchanges and contributing to additional costs incurred, such as travel and accommodation.

2.2. Support for projects of a transnational nature intended to encourage further training of heritage professionals in the new technologies and advanced information and communication services applied to the cultural heritage sector as well as for those intended to develop and preserve the techniques of traditional heritage trades.

3. Exchanges of experience and information

3.1. Support for exchanges of experience through conducting studies, surveys and working meetings, as well as through seminars, in the following fields in particular:

- development of technical recommendations (standards) for the improvement of usage and practices in the management and/or conservation of the cultural heritage;

Modified proposal

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- development of technical recommendations (standards) for the improvement of usage and practices in the management and/or conservation of the cultural heritage;

Common position of the Council

- identification of risk factors concerning cultural objects as well as systems of periodic inspection of their state of conservation;
- preventive protection of cultural objects, works and monuments against disaster and conditions for their conservation;
- qualifications of professionals in heritage-preservation trades;
- documentation of cultural objects;
- conditions for the loan of works for temporary exhibitions;
- repercussions on the cultural-heritage sector of other Community policies.

3.2. Support for projects between cultural-heritage institutions, using electronic communication technology (on-line, CD-ROM, CD-I, etc.) for the collation/exchange and dissemination of specialized information, in the following fields in particular:

- Member States' cultural-heritage legislation;
- lists and inventories of the cultural heritage;
- inventories, by discipline, of further training courses;

Modified proposal

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- lists and inventories of the cultural heritage;
- inventories, by discipline, of further training courses;

Common position of the Council

- integrated databases for the cataloguing and description of cultural objects;
- statistics and indicators on the cultural heritage;
- lists and directories of innovative projects in the cultural heritage field;
- practices and systems used in the preservation, restoration, management and dissemination of the cultural heritage in the Member States;
- practical guides, manuals and information bulletins on the cultural heritage.

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Applications, which will be submitted by the institutions and/or operators concerned, must offer the financial guarantees required to carry them out. The Community contribution under this action cannot in any circumstances exceed 50% of the total cost of the project, nor can it exceed ECU 50 000, except in the case of projects under 1.2 and 2.2, for which the Community contribution may be up to ECU 150 000, and 2.1 and 3.1 (fourth indent), for which the Community contribution may be up to ECU 100 000.

Modified proposal

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Common position of the Council

Action III – Public access to, participation in and awareness of the cultural heritage

- The aim of this action is to improve public access to the cultural heritage by encouraging projects to raise awareness that have a European dimension and by promoting the use of advanced information and communications technologies and services.
- The action will involve the following measures:
 1. Support for transnational cooperation projects between cultural-heritage institutions and/or operators using multimedia systems and products or other forms of communication to present the heritage in its European dimension and in particular to offer the public access to the whole range of works of art of similar and/or complementary styles kept by other European cultural bodies.
 2. Support for events to raise public awareness of the cultural heritage held at European level.
 3. Support for multilingual presentations concerning the heritage in museums, monuments, sites, libraries, archives, etc. aimed at people throughout the European Union. Projects might relate to presentational material, brochures, exhibition panels, electronic guide systems, audiovisual or multimedia products, etc.

Modified proposal

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Common position of the Council

4. Support for transnational cooperation projects bringing together institutions and/or operators from at least three Member States of the Community with the aim of increasing the public's awareness of the cultural heritage, such as exhibitions, teaching programmes, transnational cultural itineraries, etc.

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Applications, which will be submitted by the institutions and/or operators concerned, must offer the financial guarantees required to carry them out. The Community contribution under this action cannot in any circumstances exceed 50% of the total cost of the project, nor can it exceed ECU 50 000, except in the case of projects under 1 and 3, for which the Community contribution may be up to ECU 150 000.

Modified proposal

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Common position of the Council

Action IV – Cooperation with third countries and international organizations

– The aim of this action is to develop projects with third countries and create synergies with activities undertaken by other international organizations, in particular the Council of Europe and UNESCO.

– The action will involve the following measures:

1. Support for cooperation with third countries in the fields covered by actions I, II, and III.

Details of the arrangements for participation of third countries are set out in Article 6.

2. Support for projects in synergy with the international organizations working in the field of cultural heritage and in particular the Council of Europe and UNESCO. The procedures for this synergy will be decided on an individual basis between the Community and the international organization concerned, in accordance with the arrangements provided for in Article 7(3).
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Modified proposal

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