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2016/0186 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The "European Capitals of Culture" (ECOC) action is governed by Decision No 445/2014/EU[1] for the titles 2020 to 2033. In its Annex, the Decision includes a chronological list indicating when each Member State is entitled to host the action (two Member States per year). Competitions for the award of the European Capital of Culture title start six years before the year of the title with the publication of calls for applications by the relevant national authority.

In comparison with previous Decision No 1622/2006/EC[2], Decision No 445/2014/EU extends the action to candidate countries and potential candidates to EU membership, providing that they participate in the Creative Europe Programme or in the subsequent Union programmes supporting culture at the date of publication of the call for applications. As a result, every third year starting from 2021 (i.e. in 2021, 2024, 2027, 2030 and 2033), cities from candidate countries or potential candidates may hold the title. These competitions also start at the latest six years before the year of the title, with the publication of a call for applications by the Commission.

However, Decision No 445/2014/EU does not include European Free Trade Association countries which are parties to the Agreement on the European Economic Area ("EFTA/EEA countries") (Norway, Iceland and Liechtenstein). It is therefore not possible for cities in these countries to hold the ECOC title over the period from 2020 to 2033.

In order to reinforce the cultural links between the European Union and EFTA/EEA countries, it is proposed to modify Decision No 445/2014/EU so as to make it possible for cities from EFTA/EEA countries which participate in the Creative Europe Programme or in the subsequent Union programmes supporting culture, to apply for the ECOC title.

This would be in line with Article 167 paragraph 3 of the Treaty on the Functioning of the European Union, according to which "The Union and the Member States shall foster cooperation with third countries […] in the field of culture […]".

Furthermore the inclusion of EFTA/EEA countries would also be in line with Article 81 of the EEA Agreement and Article 13 of its Protocol 31 on the cooperation in specific fields outside the four freedoms.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

This proposal amends Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and is therefore based on the same legal base, Article 167(5) TFUE.

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[1] Decision No 445/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC (OJ L 132, 3.5.2014, p. 1).

[2] Decision No 1622/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community action for the European Capital of culture event for the years 2007 to 2019 (OJ L 304, 3.11.2006, p. 1).

- **Subsidiarity**

As Decision No 445/2014/EU is a legal act of the Union, it can only be amended by way of an equivalent legal act. Member States cannot act individually.

- **Proportionality**

See above; No other options to open the ECOC action to cities from EFTA/EEA countries.

- **Choice of the instrument**

See above; proposed instrument: Decision.

- **Public consultation**

When preparing its proposal for a Decision for the ECOC action for the titles 2020 to 2033, the Commission organised a public consultation between 27/10/10 and 12/01/11, and received 212 answers. One question was on the possibility to open the ECOC action to non-EU Member States[3]. This idea met with mixed views, and the Commission decided at the time to propose a partial opening to non EU Member States, limiting this opening to those countries seeking full membership to the Union.

It is the Commission's view that no further consultation is needed as the proposal for a new Decision only aims to (slightly) enlarge the access to the ECOC action so as to also include EFTA/EEA countries.

3. BUDGETARY IMPLICATIONS

As was already the case under Decision No 455/2014/EU, the Commission's proposal has no direct budgetary implication, as the Melina Mercouri Prize and the costs of the members of the expert panel designated by Union institutions and bodies are covered by the existing resources of the Creative Europe programme for the 2014-2020 financial framework, or will be covered by the subsequent Union programmes supporting culture for the years after 2020. Furthermore, the proposal will not result in a higher number of European Capitals of Culture over the period from 2020 to 2033 because the cities from EFTA/EEA countries will compete with cities from candidate countries/potential candidates which were already part of the competition.

4. OTHER ELEMENTS

In its proposal, the Commission proposes:

- To open the ECOC action to the participation of cities from EFTA/EEA countries providing that these countries participate in the Creative Europe Programme or in the subsequent Union programmes supporting culture at the date of publication of the call for submission of applications;
- In this perspective, to extend the open competition for cities from candidate countries/potential candidates to cities from EFTA/EEA countries;
- To have an ECOC title in a city from a candidate country/potential candidate or an EFTA/EEA country in 2028 instead of 2027 so as to make it possible for these countries to negotiate their participation in the Union programme supporting culture

[3] Analysis of the results of this consultation: http://ec.europa.eu/programmes/creative-europe/actions/documents/ecoc/consultation-analysis-results_en.pdf

that will follow Creative Europe for the period 2021 to 2027 before the Commission publishes the relevant call for submission of applications at the latest six years before the year of the title;

- To modify the calendar in the Annex of Decision No 445/2014/EU accordingly.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 167 (5) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions[4],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Decision No 445/2014/EU of the European Parliament and of the Council[5] aims to safeguard and promote the diversity of cultures in Europe and to highlight the common features they share while increasing citizens' sense of belonging to a common cultural area. That Decision also aims to foster the contribution of culture to the long-term development of cities in accordance with their respective strategies and priorities.

(2) Article 3 of Decision No 445/2014/EU provides that only cities from a Member State, from a candidate country or a potential candidate, or from a country that accedes to the Union in the circumstances set out in Article 3(5) of that Decision have access to the Union action 'European Capitals of Culture'.

(3) The Union action should also be open, subject to some conditions, to cities from European Free Trade Association countries which are parties to the Agreement on the European Economic Area ('EFTA/EEA countries') with the view to reinforcing the cultural links between those countries and the European Union in line with Article 81 of the Agreement on the European Economic Area.

(4) However, during the period covered by that Decision, namely from 2020 to 2033, for reasons of equity with cities in the Member States, cities in EFTA/EEA countries, should only be allowed to participate in one competition for the title. Likewise, each EFTA/EEA country should only be allowed to host the title once during that period.

(5) A candidate country, potential candidate or EFTA/EEA country should host the European Capital of Culture in 2028 instead of 2027 so as to make it possible for those

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5 Decision No 445/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC (OJ L 132, 3.5. 2014, p. 1).

countries to negotiate their participation in the Union programme supporting culture that will follow Creative Europe for the period 2021 to 2027 before the relevant call for submission of applications at the latest six years before the year of the title.

(6) Decision No 445/2014/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 445/2014/EU is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. The number of cities holding the title in a given year ('the year of the title') shall not exceed three.

The title shall be awarded each year to a maximum of one city in each of the two Member States appearing in the calendar set out in the Annex ('the calendar') and, in the relevant years, to one city from an EFTA/EEA country or a candidate country or a potential candidate, or to one city from a country that accedes to the Union in the circumstances set out in paragraph 5.";

(b) paragraph 4 is replaced by the following:

"4. Cities in EFTA/EEA countries and in candidate countries and potential candidates which participate in the Creative Europe Programme or in the subsequent Union programmes supporting culture at the date of publication of the call for submission of applications referred to in Article 10(2) may apply for the title for one year in the framework of an open competition organised every third year in accordance with the calendar.

Cities in EFTA/EEA countries, candidate countries and potential candidates shall only be allowed to participate in one competition during the period from 2020 to 2033.

Each EFTA/EEA country, candidate country or potential candidate shall only be allowed to host the title once during the period from 2020 to 2033.";

(2) Article 10 is amended as follows:

(a) the title is replaced by the following:

"Pre-selection and selection in EFTA/EEA countries, candidate countries or potential candidates";

(b) paragraph 1 is replaced by the following:

"1. The Commission shall be responsible for the organisation of the competition between cities in EFTA/EEA countries, candidate countries and potential candidates.";

(c) in paragraph 6, the first subparagraph is replaced by the following:

"6. The panel shall issue a selection report on the applications of the shortlisted candidate cities together with a recommendation for the designation of a maximum of one city in one EFTA/EEA country, candidate country or potential candidate.";

(3) In Article 11, paragraph 2 is replaced by the following:

"2. In the case of EFTA/EEA countries, candidate countries and potential candidates, the Commission shall designate one city to hold the title in the relevant years, on the basis of the recommendations contained in the selection report of the panel, and shall notify, no later than four years before the year of the title, the European Parliament, the Council and the Committee of the Regions of that designation.";

(4) Article 13 is amended as follows:

(a) in paragraph 2, the second subparagraph is replaced by the following:

"The Member State or EFTA/EEA country or candidate country or potential candidate concerned may nominate an observer to attend those meetings.";

(b) in paragraph 3, the second paragraph is replaced by the following:

"The panel shall transmit its monitoring reports to the Commission, as well as to the designated cities and to the Member State or EFTA/EEA country or candidate country or potential candidate concerned.";

(5) The Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*