

**Unlocking the potential of cultural and creative industries**

**European Parliament resolution of 12 May 2011 on unlocking the potential of cultural and creative industries (2010/2156(INI))**

*The European Parliament,*

- having regard to Article 167 of the Treaty on the Functioning of the European Union,
- having regard to the United Nations Educational, Scientific and Cultural Organisation (Unesco) Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to the Council Decision 2006/515/EC of 18 May 2006 on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>1</sup>,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)<sup>2</sup>,
- having regard to Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing the Culture Programme (2007 to 2013)<sup>3</sup>,
- having regard to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)<sup>4</sup>,
- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 3 January 2008 on Creative Content Online in the Single Market (COM(2007)0836),
- having regard to its resolution of 5 May 2010 on ‘Europeana – the next steps’<sup>5</sup>,
- having regard to its resolution of 19 February 2009 on Social Economy<sup>6</sup>,
- having regard to its resolution of 10 April 2008 on a European agenda for culture in a globalising world<sup>7</sup>,

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<sup>1</sup> OJ L 201, 25.7.2006, p. 15.

<sup>2</sup> OJ L 95, 15.4.2010, p. 1.

<sup>3</sup> OJ L 372, 27.12.2006, p. 1.

<sup>4</sup> OJ L 327, 24.11.2006, p. 12.

<sup>5</sup> OJ C 81 E, 15.3.2011, p. 16.

<sup>6</sup> OJ C 76 E, 25.3.2010, p. 16.

<sup>7</sup> OJ C 247 E, 15.10.2009, p. 32.

- having regard to its resolution of 10 April 2008 on cultural industries in Europe<sup>1</sup>,
  - having regard to its resolution of 7 June 2007 on the social status of artists<sup>2</sup>,
  - having regard to the Council Conclusions of 12 May 2009 on Culture as a Catalyst for Creativity and Innovation<sup>3</sup>,
  - having regard to the Commission communication of 3 March 2010 entitled ‘Europe 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
  - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 30 June 2010 entitled ‘Europe, the world's No 1 tourist destination – a new political framework for tourism in Europe’ (COM(2010)0352),
  - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 26 August 2010 entitled ‘A digital agenda for Europe’ (COM(2010)0245/2),
  - having regard to the Commission communication of 19 October 2009 entitled ‘Copyright in the Knowledge Economy’ (COM(2009)0532),
  - having regard to the Commission Green Paper of 27 April 2010 entitled ‘Unlocking the potential of cultural and creative industries’ (COM(2010)0183),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Regional Development and the Committee on Legal Affairs (A7-0143/2011),
- A. whereas cultural and creative industries (CCI) are characterised by a dual nature, being economic in that they contribute to economic development through employment, economic growth and wealth creation, but also cultural, thanks to activities integrating individuals socially and culturally into society as well as by being involved in promoting values and cultural identities and developing a European cultural heritage,
  - B. whereas as this dual nature differentiates them from other industries, implementation of policies and specific measures must be taken into account,
  - C. whereas this specific nature is recognised and promoted by the EU on the international stage, the EU having adopted a policy of maintenance of its cultural cooperation in the WTO and ratified the Unesco Convention,
  - D. whereas the General Agreement on Trade in Services (GATS) provides for the right to implement policies to protect cultural diversity, which is systematically applied by the EU

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<sup>1</sup> OJ C 247 E, 15.10.2009, p. 25.

<sup>2</sup> OJ C 125 E, 22.5.2008, p. 223.

<sup>3</sup> [http://ec.europa.eu/culture/our-policy-development/doc/CONS\\_NATIVE\\_CS\\_2009\\_08749\\_1\\_EN.pdf](http://ec.europa.eu/culture/our-policy-development/doc/CONS_NATIVE_CS_2009_08749_1_EN.pdf)

and its Member States,

- E. whereas, in accordance with Article 167(4) TFEU, it is necessary to integrate culture into the other European policies, both internal and external, and in this regard to be particularly attentive, in the context of the current globalisation, to the protection and promotion of the diversity of cultural expressions,
- F. whereas the Unesco Convention recognises the major role of CCI in producing, distributing and providing access to the wide range of cultural goods and services and encourages international cooperation,
- G. whereas Member States should be willing to support culture and creativity as fundamental factors in the preservation and enhancement of cultural and landscape heritage, to be protected and conserved in order to assist in the creation of a sense of identity and heighten the public's cultural awareness,
- H. whereas, in the EU, CCI play a major role in promoting cultural and linguistic diversity, pluralism and social and territorial cohesion, but also in democratising access to culture and promoting intercultural dialogue throughout the EU,
- I. whereas Europe's cultural diversity, and particularly its rich heritage of regional languages and cultures, constitutes an irreplaceable raw material for the CCI,
- J. whereas particular attention must be paid to cultural and language specificities in the debate on the establishment of a single market in the creative content sector,
- K. whereas CCI are laboratories for artistic, technical and management innovation and whereas they make possible a broader dissemination of works and artists at European and international level,
- L. whereas the CCI sector is enhanced and its visibility ensured through various initiatives by the European Parliament and the Council of Europe, such as the Europe Prize, the LUX Prize, and the Cultural Routes,
- M. whereas the CCI have a role to play in preserving distinctive, invaluable and unique skills and abilities through the fusion of contemporary creativity and long-standing experience; whereas, especially in certain sectors such as, for example, fashion, watchmaking and jewellery, the reputation and worldwide success of European industries in the sector are founded upon the manual skills and expertise of artisans and creators,
- N. whereas artists do not have at present a legal status at EU level that takes into account the specific nature of their work and their career, in regard to mobility, working conditions and social protection in particular,
- O. whereas the CCI, which account for 5 million jobs and 2.6% of EU GDP, are one of the main drivers for growth in the EU, creating new jobs, playing key roles in global value chains, spurring innovation, providing added value as a factor for social cohesion and serving as an efficient tool in the fight against the current recession,
- P. whereas the CCI have an influence on almost every other economic sector, furnishing them with innovations that are decisive for competitiveness, especially where information

and communication technologies (ICT) are concerned,

- Q. whereas these industries are a driving force for economies in the digital age, making a significant contribution to innovation and the development of new ICT, and whereas they contribute to attaining the Europe 2020 objectives,
- R. whereas CCI can create wealth and jobs if they are given the means to be competitive with the CCI in countries outside the EU in the context of a European international competition strategy,
- S. whereas some people involved in the creative and cultural industries are self-employed,
- T. whereas the CCI are a growth market in the EU and an area where it has the potential to become a global market leader,
- U. whereas the development of trade in cultural and creative goods and services constitutes an important pillar for culture, development and democracy,
- V. whereas creativity depends on access to existing knowledge, works and creative content,
- W. whereas the role of cultural content in the digital economy is crucial; whereas Europe's digital growth will depend in future on having a varied supply of high-quality cultural content,
- X. whereas the digital age opens new possibilities for these industries by introducing new economic models enabling consumers to have access to a range of high-quality products,
- Y. whereas the content industry is making a considerable effort to develop legal offers on cultural online content and all stakeholders should join forces in raising awareness about the existing legal offers of online content,
- Z. whereas newspapers and magazines are components of cultural industries as well as a pluralistic and diverse European media landscape,
- AA. whereas the digital age also poses challenges to the sustainability of traditional sectors of these industries, including book publishing, bookselling and the print media,
- AB. whereas, in order to flourish, Europe's CCI require a modern, accessible and legally certain system for the protection of intellectual property rights (IPR),
- AC. whereas it is essential to ensure the artistic and cultural education of citizens and to appreciate the creative process in order to develop creativity and knowledge of the arts, culture, cultural heritage and the cultural diversity of the EU, education should extend to learning about not only digital rights but also obligations, to foster better understanding and respect of works protected by IPR,
- AD. whereas the technological advances in ICT in no way alter the fundamental need to protect IPR,
- AE. whereas better compliance with the existing legal framework protecting these rights, as well as reforms regarding, *inter alia*, simplification of licensing procedures in the cultural industries, are required in order to take full advantage of the new possibilities offered,

whilst guaranteeing a well-balanced system of rights protection which takes account of the interests of both creators and consumers,

- AF. whereas a modern Union trademark system is essential in order to protect the value represented by investments made by European companies in design, creation and innovation,
- AG. whereas there must be a guarantee of strategic investments in CCI, for example through access to funding which is adapted to their specific characteristics and needs, in order to enable them to play a full part in boosting the European economy,
- AH. whereas CCI play a major role in developing centres of creativity at local and regional level which make regions more attractive and allow businesses and jobs anchored in the local and regional economic fabric to be created and developed, make the regions more attractive to tourists, promote the setting up of new businesses and enhance the profile of these regions, and promote the cultural and artistic sector and the preservation, promotion and enhancement of the European cultural heritage thanks to numerous agencies such as local and regional authorities,
- AI. whereas the European Neighbourhood and Partnership Instrument (ENPI) and its regional action plan (RIP) have been approved and funded for 2011-2013,
- AJ. whereas the role of the European Creative Industries Alliance (ECIA) should be enhanced,

***Cultural and creative industries as a driving force in the European Union***

1. Stresses the need to analyse CCI and the impact of their activities on the European economy, identifying, defining and describing them each in turn, in order to highlight their characteristics, better understand their goals and problems and implement more effective measures;
2. Calls on the Commission to pursue its efforts to produce a better definition of CCI with a view to analysing in depth their impact on long-term growth and international competitiveness and to foster greater recognition of the specific features of the sector;
3. Calls on the Member States to be strongly committed to protecting and supporting their own cultural heritage, recognising that for CCI to develop requires a dual economy where public and private investment coexist;
4. Considers that CCI should be at the centre of a new European policy agenda in line with the economic needs of the sector and in the context of digitalisation, and that the future Culture Programme should reflect the needs of the cultural and creative sector in the digital age through a more pragmatic, more comprehensive approach;
5. Recognises that, as sources of economic and social innovation in many other sectors of the economy, CCI have great synergising power;
6. Calls on the Commission to continue its efforts to support, promote and facilitate the development of the culture and creativity framework by fostering a more elaborate system of cooperation among Member States and EU institutions, based on sharing experience of good practice; recommends that the Commission include local and regional authorities in

the follow-up process to the Green Paper, in accordance with the principle of subsidiarity;

7. Calls on the Commission to draw up a White Paper, in view of the ever increasing importance of CCI as well as the objective of strengthening this sector, which is of strategic importance for the achievement of the Europe 2020 goals;

### ***Education, training and awareness-raising***

8. Encourages the Member States and the Commission both to promote artistic and cultural education (with particular emphasis on creativity) among all age groups, from primary to higher and/or vocational education, and to develop creators' entrepreneurial skills, including in the context of lifelong learning, particularly on account of its role in raising awareness of creativity and teaching good use of ITC and respect for intellectual property;
9. Points out the advantages of an education which combines a theoretical knowledge of cultural and art history with practical artistic creation and the management of cultural assets in undertakings, studios etc, with the aim of enhancing both theoretical and practical skills;
10. Highlights the importance of educational programmes which focus on vocational training, the development of ideas and storytelling, e-skills, technical, entrepreneurial and marketing skills, including the use of social networks, and workers' skills;
11. Highlights the potential of close cooperation and dialogue between CCI, universities, research centres, art schools and art establishments to provide joint training programmes and lifelong learning opportunities;
12. Reminds the Commission and the Member States of the urgent need to recognise vocational qualifications in the CCI, to promote student and lecturer mobility and further develop training-work experience internships for artists and creators;
13. Requests that the Commission call on Member States to expand the framework for recognition of professional qualifications and training courses, not least with a view to including the new skills required in the CCI sector;
14. Calls on the Commission to promote joint research and partnership programmes between the CCI and the education and training sector (including in-service training), thus providing citizens with creative and intercultural skills, to facilitate the use of new techniques and new creative tools in the education sector, to step up lifelong education and training – specifically through use of the European Social Fund – in view of the pace of technological change in this field, and conversely, by means of research and education, to renew the CCI;
15. Calls on the Member States to promote the availability of managerial, business and entrepreneurial training specifically tailored for professionals in the CCI, thus equipping them with the communication and entrepreneurial skills required in an ever evolving socio-economic environment; notes the positive training and management experience developed in the audiovisual field by the MEDIA programme and hopes to see the Culture programme equipped with similar instruments;
16. Proposes the creation of new pilot projects under the Erasmus and Erasmus for Young

Entrepreneurs programmes to allow for greater collaboration between universities and enterprises in the cultural and creative sector;

17. Underlines the need to pass on techniques and know-how and the value of reinforcing learning and setting up professional training programmes focused on the cultural and creative sector, better harnessing the use of existing programmes and curricula, providing multidisciplinary education and promoting cooperation and partnerships between educational institutions, students, professionals from the cultural and creative sector, enterprises of all sizes, including the private and public sectors, craftspeople and financial institutions;
18. Recognises the importance of CCI in fostering the development of European content, thereby contributing to the cultural convergence of the Member States and a closer relationship between their people;
19. Stresses that intercultural learning and skills help people understand other cultures, thereby contributing to social inclusion;

### ***Working conditions and entrepreneurship***

20. Acknowledges the impact, competitiveness and future potential of CCI as an important engine for sustainable growth in Europe that can play a decisive role in the EU's economic recovery;
21. Calls on the Commission to recognise the CCI as a productive part of the European economy, notably in terms of their capacity to help make other sectors of the economy more competitive;
22. Underlines the need to consider working conditions and the economic, social, legal and taxation aspects of these sectors, with particular reference to the entrepreneurial dimension of the CCI and to working conditions;
23. Stresses, in this respect, the need to fight against pay discrimination and to improve the degree to which jobs match the level of qualifications;
24. Invites the Commission, therefore, to analyse the impact the CCI have on the EU economy, and to publish a performance evaluation guide on employment and business wealth creation in each of the sector's branches;
25. Stresses the need to develop a strong sense of cultural and creative entrepreneurship at local, regional, national and European level;
26. Stresses the need to create optimum conditions for employing university-educated and professional young people from this sector and to foster opportunities for them to become entrepreneurs, as well as to train them in the specific economic, taxation, financial and technological aspects of the cultural and creative world and in communication and marketing, IPR and intergenerational knowledge transfer;
27. Calls on the Commission to set up a multilingual platform so that people working in the cultural and creative sector can join a European-level network where they can exchange experience, best practices and expertise and cooperate on joint projects or pilot projects

with a transnational and cross-border dimension and find complete information on the legislation in force (such as copyright issues, social rights) and on funding possibilities;

28. Calls on the Commission and the Member States to once again include under the heading of CCI non-profit organisations and social economy operators - as defined in Parliament's resolution of 19 February 2009 on Social Economy - as they are active in sectors relevant to the CCI, thereby permitting the adoption of tax benefits, easy access to loans and employment protection;
29. Calls on the Commission to respect and acknowledge actions taken by cultural services, not-for-profit organisations and private initiatives involved in the development of a creative inclusive economy; calls on the Commission and the Member States to encourage and embed good practices designed to facilitate access for both young people (irrespective of their status as students, apprentices, trainees or job-seekers, etc.) and particularly vulnerable people to culture and creative content – for example, reduced prices, culture vouchers and free cultural activities;

### ***Status of artists***

30. Reaffirms that the status of European artist must be created so that artists are able to enjoy satisfactory working conditions and appropriate measures in regard to tax systems, their right to work, social security rights and copyright in order to improve mobility across the EU;
31. Invites those Member States that have not yet done so to act on the UNESCO Recommendation concerning the Status of the Artist;

### ***Artistic trades***

32. Points out that artistic trades constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills, as emphasised in Parliament's resolution of 10 April 2008 on cultural industries in Europe;
33. Reaffirms the aim of preserving the specific nature of some trades and the transfer of know-how, especially in the cultural, creative and crafts sector, and of guaranteeing mechanisms for knowledge transfer; proposes encouraging the establishment at local, regional and territorial level of knowledge transfer workshops, particularly for the traditional creative sector;
34. Points out that the economic model for CCI, including in the luxury sector which is representative of it, is based on innovation, constant creativity, consumer confidence and investment in jobs that are often highly skilled and involve unique know-how; calls on the Commission to promote the sustainability of this economic model in its proposals affecting CCI by developing a regulatory framework adapted to their specific characteristics, particularly as regards respect for IPR;
35. Emphasises the danger of a shortage of manpower in some highly skilled or very specific trades which contribute to the existence of CCI in the EU and asks the Commission and the Member States to take necessary measures, in conjunction with the enterprises, to ensure these unique skills are preserved and to facilitate the training of a new generation



of artisans and workers specialising in these trades;

***Improving the distribution of works in the digital age***

36. Encourages the Member States to promote the distribution and circulation of works across the EU;
37. Recognises that it is not just innovation in technological production that must be promoted but also innovation in management processes, in developing the projects themselves and in their distribution and marketing;
38. Asks the Commission to consider the possibility of establishing specific actions and suitable tools to support and develop European CCI, in particular SMEs, with the aim of improving the creation, production, promotion and distribution of cultural goods and services;
39. Stresses that online use can represent a real opportunity for better diffusion and distribution of European works, particularly audiovisual works, in conditions where legal supply can develop in an environment of healthy competition which effectively tackles the illegal supply of protected works and new ways of remunerating creators can develop which involve them financially in the success of their works;
40. Calls on the Commission to ensure the strict implementation of Article 13 of the Audiovisual Media Services Directive<sup>1</sup>, which provides for the Member States to ensure that on-demand audiovisual media services promote the production of and access to European works and to report to it on the implementation of this provision no later than 2012;
41. Underlines that, in order to guarantee better distribution of European works and repertoires, initiatives must be introduced aimed at improving and promoting translation, dubbing, subtitling, surtitling and digitisation of European cultural works and at drawing up specific measures in these areas as part of the new generation of MEDIA and Culture programmes for the period 2014-2020;
42. Calls on the Commission to encourage the growth of the CCI, especially online, by taking relevant steps to ensure that all stakeholders share the responsibility for equally protecting products and services in the digital environment in order to build greater consumer trust online;
43. Calls on the Commission to establish a legal framework to ensure a high level of confidence in the digital space – commercial and non-commercial – so that CCI on the one hand and consumers on the other can make full use of digital distribution channels without fear of being deterred by misleading or abusive practices;
44. Calls on the Commission and the Member States to give particular consideration to the role of libraries as institutions for the dissemination of culture and as forums for dialogue; considers that libraries, together with the educational and cultural sector, should be given responsibility and resources for the digital switchover; recalls that this process is a matter of urgency, since European libraries even now have only limited means to convert

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<sup>1</sup> OJ L 95, 15.4.2010, p. 1.

satisfactorily to digital media;

45. Stresses in particular the importance of expanding the European digital library and developing it as a focal point for projecting Europe's cultural heritage, collective memory and creativity and as a starting point for educational, cultural, innovative and entrepreneurial activities; points out that artistic exchanges constitute one of the pillars on which our cultural heritage and our economy rest, and that their continuity must therefore be safeguarded by means of appropriate mechanisms for passing on knowledge and skills;
46. Underlines the need to give due regard to the challenges facing traditional sectors of the CCI, such as book publishing, bookselling and the print media;
47. Calls on the Commission to take initiatives to promote and increase digital literacy, given the increasing shift towards digital content production and distribution by the publishing industry; stresses that publishers should be closely involved in initiatives on digital media literacy;

#### ***Towards an internal market for cultural and creative content***

48. Urges the Member States and the Commission to establish a European digital single market and technical and financial support mechanisms in CCI with the aim of digitising cultural heritage, and to introduce common European standards;
49. Emphasises the importance of the swift implementation and success of the Digital Agenda initiative in order to enable CCI to benefit fully from and to adapt successfully to all the opportunities created by far-reaching, high-speed broadband and by new wireless technologies;
50. Calls on the Member States and the Commission to take the necessary steps to establish a European internal market for on-line cultural and creative content and guarantee access to this content to European citizens whilst ensuring that those entitled are protected and properly compensated and that all funding channels for the creative sector are consolidated;
51. Calls on the Commission to support new and innovative economic models in the creative and cultural sector which are adapted to the impact of globalisation and the challenges of the digital age, particularly with regard to content industries;
52. Emphasises the importance, for the creation of conditions of equal access to new platforms and equipment, of interoperability and standards; calls on the Commission to promote interoperability between platforms, to develop standards which help create a marketplace conducive to innovation, and to avoid using systems that might limit access to diversified content;
53. Calls on the Commission to promote the use, dissemination and development of open source software and open standards, which represent potential for innovation, creativity, knowledge dissemination and job creation;
54. Notes that market fragmentation in the cultural and creative sectors is in part due to the cultural diversity and language preferences of consumers;

55. Stresses the importance of considering the best way to adapt the regulatory framework – and in particular the rules on competition policy – to the specific situation of the cultural sector in order to ensure cultural diversity and consumer access to a range of high-quality cultural content and services;
56. Notes that e-commerce and the Internet are developing at such a pace, with ‘generations’ of technology growing shorter geometrically; believes therefore that attempts should be made to bring the EU’s regulatory response into line with current social and commercial requirements so that it does not become pointless through lagging behind and obstruct the full unlocking of the potential of the EU Member States’ CCI;
57. Emphasises the need to give thought to the optimum conditions for the development of this single market, with particular regard to taxation, for example, concerning deductions at source applicable to copyright income, by allowing the introduction of a reduced rate of VAT for on- or off-line cultural goods and services in order to promote their development;
58. Stresses that VAT rules and the lack of accessible payment methods for online sales also constitute an obstacle to the proper functioning of the internal market and need to be urgently addressed;
59. Calls on the Commission, therefore, to present, as soon as possible, concrete legislative proposals on how to tackle these issues in order to dismantle existing obstacles to the development of the internal market, in particular in the online environment, while respecting consumer demand and cultural diversity;
60. Calls on the Commission to consider, with reference to the ‘Digital Agenda’ flagship initiative, the need to support the adjustment of European electronic publishing to the challenges posed by competition, by creating conditions favouring the interoperability of systems, transferability from one device to another and fair competition;

### ***Intellectual property rights***

61. Emphasises that IPR are a fundamental asset for creative companies and an incentive for individual creativity and investment in creation; calls, therefore, for schemes to help CCI adapt to the digital shift via new online services based on new forms of rights management promoting authors’ rights; calls, further, for a balanced regulatory framework governing the protection and enforcement of IPR;
62. Emphasises the need for effective enforcement of IPR in both the offline and online environments, and stresses in that connection that all measures should be carefully evaluated in order to guarantee their efficiency, proportionality and compatibility with the Charter of Fundamental Rights of the European Union;
63. Calls on the Commission to adapt copyright to the digital era allowing CCI to reap the benefits created by digital technology and media convergence and to consider specific ways of facilitating the use of creative content and archived material and easy, one-stop-shop systems for the clearance of rights;
64. Stresses, in this context, the essential role of collecting societies for the development of European creativity and the digital economy; calls on the Commission, in the context of the ongoing drafting of a proposal for a directive on collective rights management, to

establish an appropriate legal framework for collecting societies and the reaggregation of copyright repertoire;

65. Calls on the Commission to enable the viability of a pan-European licensing system that builds on the existing multi-territory individual and collective rights licensing models and facilitates the launch of services with a wide choice of content, hereby increasing legal access to online cultural content;
66. Calls on the Commission and Member States to promote the exchange of best practices on effective methods to raise public awareness regarding the impact of infringements of IPR;
67. Urges the Commission and Member States in association with stakeholders to organise a campaign to raise awareness at European, national and local level, especially among young European consumers, of the need to respect IPR;
68. Calls on the Commission and the Member States to tackle abusive commercial practices and violations of IPR, of which CCI can be victims in both the real and digital economy;
69. Stresses the need finally to address the ‘book famine’ experienced by visually impaired and print-disabled people; reminds the Commission and Member States of their obligations under the UN Convention on the Rights of Persons with Disabilities to take all appropriate measures to ensure that people with disabilities enjoy access to cultural materials in accessible formats, and to ensure that laws protecting IPR do not constitute an unreasonable or discriminatory barrier to access by people with disabilities to cultural materials;
70. Calls on the Commission to work actively and positively within the World Intellectual Property Organisation (WIPO) to agree on a binding legal norm based on the treaty proposal drafted by the World Blind Union and tabled at WIPO in 2009;
71. Stresses the need to solve the issue of orphan works; welcomes the Commission’s stated intention to present proposals in this area; notes that the problem of orphan works and the ‘black hole of the 20th century’ is not limited to printed works such as books and magazines, but extends to all kinds of works, including photographs, music and audiovisual works;
72. Calls on the Commission to encourage financial support for private-sector initiatives to create widely accessible rights and repertoire databases on musical, audiovisual and other repertoire; such databases would increase transparency and streamline procedures for rights clearance;
73. Calls on the Commission to encourage the setting up of equitable, impartial and effective alternative dispute resolution for all stakeholders;
74. Takes the view that the Commission should take into account the specific problems encountered by SMEs when it comes to asserting their IPR in accordance with the principle of ‘Think Small First’ established by the Small Business Act for Europe, *inter alia* by applying the principle of non-discrimination for SMEs;
75. Welcomes the Commission’s revision of the EU trademark system and encourages the Commission to see to it that the relevant steps are taken to ensure that trademarks can

benefit from the same level of protection in both the online and offline environments;

***Funding cultural and creative industries***

76. Recalls that all policies and measures to support and fund CCI must take into account the characteristics of each branch of the sector;
77. Calls on the Commission to grant the CCI SME status in their own right in regard to all arrangements for access to credit, start-up support and employment protection, which should be suitably adapted to the specificities of the sector, with particular reference to low capitalisation, the brand as an asset, the high risk in the early stage, strong IT impact, irregular employment, and the need for centralised services;
78. Calls on all the actors concerned to consider introducing new, innovative financial instruments, both at a European level and at national level, such as bank guarantee measures, repayable advances, risk-capital funds and incentives for the establishment of local partnerships, which take account of the needs of these industries and especially of the fact that creators' only form of capital is, in many cases, non-material;
79. Advocates the mobilisation of, and simplified application for, existing EU funds and programmes (such as the Microfinance Facility) for the development of small and micro-enterprises in the cultural and creative sector, with a view to optimising support for enterprises by facilitating access to information on funding options;
80. Proposes the introduction of short-term microfinancing to encourage experimentation and the development of innovative cultural and creative projects;
81. Recommends that the Commission assess the relevance of the structural funds, as well as current and future programmes in the fields of culture, audiovisual media, youth provision and education, in terms of their potential to further the creative sector, and that it formulate conclusions and act on them with a view to an improved support policy;
82. Recognises, further, the effectiveness of EU programmes such as the Programme for Innovation and Competitiveness in enabling SMEs to access financing, and suggests that the Commission should assess the possibility of devising similar specific programmes for CCI;
83. Calls on the Commission to consider establishing a specific budget line under the 'Digital Agenda' flagship initiative to support the changeover to digital in European cinemas, in order to ensure that all EU citizens have access to content reflecting Europe's different identities and make the whole of the European film sector more competitive;
84. Underlines the importance of patronage and public-private partnerships in the financing and support of cultural and creative activities and calls for better access to credit for these sectors and for alternative formulas such as tax relief or tax incentives to be examined in order to encourage patronage by enterprises;
85. Stresses the importance of professionals in the banking sector being trained to advise on financing cultural and creative projects so that there is better access to credit from financial institutions;

86. Stresses the importance of developing finance and business management consultation and advisory services to allow people working in the cultural and creative sector, and particularly SMEs and very small businesses, to understand the tools required for good business management in order to improve the creation, production, promotion and distribution of cultural goods and services;
87. Stresses the need to train professionals capable of ensuring the economic and financial viability of cultural and creative projects in order to improve access to credit when faced with financial and banking institutions that are generally unfamiliar with the specific characteristics of this sector;
88. Calls on the Commission, in the context of the Digital Agenda, to assist SMEs active in CCI in their search for competitive and consumer-friendly innovative online business models based on co-financing and risk-sharing between CCI and intermediaries;
89. Calls, therefore, on the Commission and the Member States to ensure that public procurement procedures do not entail unnecessary costs and red tape for SMEs;
90. Calls on the Commission, in light of the launch in December 2011 of the eighth Research Framework Programme, to provide for funding to implement entrepreneurial projects and start-ups proposed by young people under the age of 35 in the CCI sector;
91. Requests that priority funding be granted under the ENPI RIP 2011-2013 programme to CCI, with particular reference to the audiovisual sector and the production and distribution of audiovisual works in the Euro-Mediterranean region;
92. Suggests using the framework of the ECIA to provide a platform for access to information and advice on investment readiness and long-term business strategies, access to loans, guarantee funds and cross-border private investment, and calls for the possibility of establishing a Creative Industries Bank to be explored;
93. Encourages the Member States and local and regional authorities to create favourable conditions for CCI to establish contact with the organisations likely to provide them with funding, and calls on those authorities to raise awareness among financial organisations of the specific situation of CCI in order to persuade them to invest in these industries, and more particularly in SMEs and very small businesses, on the basis of cultural projects with a strong economic potential;
94. Encourages local, territorial and regional bodies to make the financial institutions more aware of the special features of CCI so they are motivated to invest in these industries and in particular the SMEs;

#### ***Local and regional cooperation***

95. Emphasises that the CCI contribute, in many cases, to the transformation of declining local economies by encouraging the emergence of new types of economic activity, creating new and sustainable jobs and making European regions and cities more attractive, thus serving the interests of social and territorial cohesion;
96. Underlines that culture has an important role to play in terms of the sustainable development of cross-border territories and is aware that CCI infrastructures and facilities

can contribute to the achievement of territorial cohesion; believes that stimulating culture and creativity is an integral part of territorial cooperation that should be reinforced;

97. Calls on all the bodies involved at local level to use the territorial cooperation programmes in order to use and transfer best practices for the development of the CCI sector;
98. Recommends, on the one hand, that more intensive research be conducted into the interdependence of cultural provision and the location of cultural and creative businesses, as well as the EU-wide significance of culture as a factor in companies' location decisions; and, on the other, that support be given to academic research into the impact which cultural and creative businesses have on the places where they locate;
99. Calls on the Commission and Member States to map available knowledge of the practices, needs and good experiences of cross-border and territorial cultural and creative cooperation, to acquire specific expertise on culture, creativity and cross-border territories (particularly in little-explored areas such as the link between culture, creativity and economy) and to elaborate cross-border strategies for the management of cultural heritage and resources;
100. Calls on local and regional authorities to establish meeting places and set the basis for the creation of local networks in order to raise awareness in CCI among people working in the sector, through the sharing of expertise, experimentation, improving skills and training in new technologies, such as digital technologies, and among the general public through training, debates and other artistic and cultural events, and to develop creativity centres and incubators to allow creative young professionals and businesses to work in a network, promote innovation and enhance the visibility of the sector;
101. Calls on local and regional authorities to join together in networks with a view to exchanging good practice and setting up cross-border and transnational pilot projects;
102. Emphasises that local and regional authorities can contribute significantly to better dissemination and circulation of cultural goods by organising, supporting and promoting cultural events;
103. Points out that cultural and creative infrastructures and facilities play an important role in the development of the physical environment of towns and cities, in creating an attractive environment for investment, and, in particular, the rehabilitation and revitalisation of old industrial districts, and that cultural heritage confers value added and adds individuality in the development and renewal of rural areas, especially through its contribution to rural tourism and to preventing the depopulation of these areas;
104. Considers it also to be a highly significant factor in the context of strategies for the rehabilitation of old industrial districts, as well as in policies to define the new sectoral spheres of tourism which are appearing and in the redefinition of traditional tourism;
105. Believes therefore that the establishment of CCI and the development of those which already exist must be supported by means of national, regional and local development strategies, in a partnership between public authorities representing different policy areas, SMEs and relevant civil society representatives;
106. Encourages therefore the Member States and regions to create opportunities for such

cooperation, to devise policies that combine infrastructure investment with investment in human capital, and to explore innovation voucher schemes to help cultural and creative SMEs and individuals acquire professional skills;

107. Believes that the Commission could pay more attention to twinning arrangements between towns, municipalities and regions, which have for many years provided an excellent forum for cultural and creative cooperation and information exchange; calls on the Commission in cooperation with European associations of local and regional authorities to promote modern, high-quality twinning initiatives and exchanges that involve all parts of society;
108. Suggests that an action programme devoted to cross-border cultural promotion and cooperation be established as part of the European Year of Volunteering;

### ***European Capital of Culture***

109. Emphasises the widespread recognition of the European Capital of Culture initiative as a 'laboratory' for urban development through culture; invites the Commission to promote this initiative and ensure the right conditions for the transfer of best practices, cultural cooperation and setting up networks for sharing experience on the opportunities of CCI in order to make use of the full potential of these sectors;
110. Calls for the inclusion of a debate on the potential of CCI in the programme of events celebrating the European Capitals of Culture;

### ***Fashion and tourism***

111. Considers that fashion and cultural and sustainable tourism should be added to the sectors identified in the Green Paper as forming part of the CCI; points out that the two sectors are characterised by a high degree of creativity and an entrepreneurial spirit which has a significant impact on the economy and international competitiveness of the EU;
112. Highlights the considerable importance of tourism to the CCI and recommends that the Commission encourage cities and regions to make greater use of culture as a unique asset, to cooperate more closely with one another in the realm of cultural tourism, to develop forms of cooperation between the cultural sector and the tourism sector and to support both sectors in joint marketing efforts;

### ***International relations and trade***

113. Highlights the importance of the above-mentioned Unesco Convention as an essential instrument to guarantee that the 'cultural exception' in international trade in goods and services of a cultural and creative nature is maintained within the international framework of the WTO;
114. Notes, as regards promotion of cultural exchange and diversity, that access to third-country markets is subject to many tariff and non-tariff barriers which, together with the insecurity of the distribution and exploitation networks, makes it difficult for European culture to have a genuine presence;
115. Stresses the great potential of CCI in international trade and assumes that its significance is being underestimated owing to the difficulty of gathering data;



116. Calls on the Commission, in view of the proliferation of bilateral trade agreements, to submit to Parliament a clear, overall strategy on the cultural cooperation protocols (CCP) annexed to those agreements, with a view to adapting the offer of European cooperation to the needs and specific characteristics of CCI in the partner countries, in accordance with the commitments undertaken in the WTO and the spirit and letter of the Unesco Convention;
117. Calls on the Member States and the Commission to boost the export of cultural and creative products and services and strive to raise the profile of Europe's CCI outside the EU;

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118. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.