

**AGREEMENT ON CULTURAL COOPERATION BETWEEN THE  
EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND  
COLOMBIA AND PERU, OF THE OTHER PART**

**THE KINGDOM OF BELGIUM,  
THE REPUBLIC OF BULGARIA,  
THE CZECH REPUBLIC,  
THE KINGDOM OF DENMARK,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE REPUBLIC OF ESTONIA,  
THE HELLENIC REPUBLIC,  
THE KINGDOM OF SPAIN,  
THE FRENCH REPUBLIC,  
IRELAND,  
THE ITALIAN REPUBLIC,  
THE REPUBLIC OF CYPRUS,  
THE REPUBLIC OF LATVIA,  
THE REPUBLIC OF LITHUANIA,  
THE GRAND DUCHY OF LUXEMBOURG,  
THE REPUBLIC OF HUNGARY,  
MALTA,  
THE KINGDOM OF THE NETHERLANDS,  
THE REPUBLIC OF AUSTRIA,  
THE REPUBLIC OF POLAND,  
THE PORTUGUESE REPUBLIC,  
ROMANIA,  
THE REPUBLIC OF SLOVENIA,  
THE SLOVAK REPUBLIC,**

**THE REPUBLIC OF FINLAND,  
THE KINGDOM OF SWEDEN,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,**

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, (hereinafter referred to as the "Member States of the EU"), and the **EUROPEAN UNION**, (hereinafter referred to as the "EU"), of the one part,

and

**THE REPUBLIC OF COLOMBIA** (hereinafter referred to as "Colombia")

and **THE REPUBLIC OF PERU** (hereinafter referred to as "Peru")

hereinafter also referred to as "the signatory Andean Countries"

of the other part,

- HAVING ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the 33<sup>rd</sup> Conference of the United Nations Educational, Scientific and Cultural Organization, in Paris, on 20 October 2005, which entered into force on 18 March 2007 (hereinafter referred to as the "UNESCO Convention") or intending to do so expeditiously;
- INTENDING to effectively implement the UNESCO Convention and to cooperate within the framework of its implementation, building upon the principles of such Convention and developing actions in line with its provisions, notably its Articles 14, 15 and 16;
- RECOGNIZING the importance of the cultural industries and the multi-faceted nature of cultural goods and services as activities of cultural, economic and social value;
- RECOGNIZING that copyright is an effective tool for the impulse and strengthening of cultural industries and that it requires efficient management of rights, including collective management;
- RECOGNIZING that the regional integration process supported by this Agreement adds up to a global strategy aimed at promoting equitable growth and the reinforcement of economic, trade and cultural cooperation between the Parties;
- RECALLING that the objectives of this Agreement are complemented and supported by existing and future policy instruments managed in other frameworks, with a view to:
  - reinforce the capacities, viability and independence of the Parties' cultural industries;
  - promote national and regional cultural content;
  - recognise, protect and promote cultural diversity as a condition for a successful dialogue between cultures;

- recognise, protect and promote cultural heritage, as well as promote its recognition by local populations, and recognise its value as a means for expressing cultural identities;
- STRESSING the importance to facilitate cultural cooperation between the Parties and for that purpose to take into account, on a case by case basis, *inter alia*, the degree of development of their cultural industries, the level and structural imbalances of cultural exchanges and the existence of preferential schemes for the promotion of national/regional cultural content.

HAVE AGREED as follows:

## **TITLE I**

### **GENERAL PROVISIONS**

#### Article 1

##### **Scope and objectives**

1. This Agreement sets up the framework within which the Parties shall cooperate to facilitate exchanges regarding cultural activities, goods and services, including, *inter alia*, in the audiovisual sector, and the protection and appreciation of historic heritage.
2. While preserving and further developing their capacity to elaborate and implement their cultural policies, with a view to protecting and promoting cultural diversity, the Parties shall collaborate in order to improve the conditions governing their exchanges of cultural activities, goods and services, as well as to redress the structural imbalances and asymmetries which may exist in exchanges of these products.

#### Article 2

##### **Definitions**

1. For the purposes of this Agreement:

"Party" means the EU or each of its Member States or the EU and each of its Member States within their respective areas of competence as derived from the Treaty on European Union and the Treaty on the Functioning of the European Union (hereinafter referred to as the "EU Party") or each of the signatory Andean Countries; and

"Parties" means, on the one hand, the EU Party, and, on the other hand, each signatory Andean Country.

2. The UNESCO Convention constitutes the reference for all definitions and concepts used in this Agreement.

## **TITLE II**

### **HORIZONTAL PROVISIONS**

#### Article 3

#### **Cultural exchanges and dialogue**

1. The Parties shall aim at fostering their capacities to determine and develop their cultural policies, promoting their cultural industries and enhancing exchange opportunities for cultural goods and services of the Parties, including through preferential treatment.
2. The Parties shall cooperate to foster the development of a common understanding and enhanced exchange of information and experiences on cultural matters through a dialogue in the Committee on Cultural Cooperation referred to in Article 4.
3. Regarding copyright and related rights issues related to the subject matter of this Agreement, the Parties shall cooperate to foster the exchange of information and experiences on Intellectual Property Rights.

#### Article 4

#### **Committee on Cultural Cooperation**

1. No later than six months after the entry into force of this Agreement, the Parties shall establish a Committee on Cultural Cooperation (hereinafter referred to as the "Committee"). The Committee shall comprise officials from within the administration of each Party who have competence in cultural matters and practices.
2. The Committee shall meet within the first year after the date this Agreement enters into force, and thereafter as necessary and at least once a year, to oversee the implementation of this Agreement. The Committee shall meet in a rotative manner in the territories of each of the Parties, unless the Parties agree otherwise. The Committee shall be chaired for a period of one year, in a rotative manner, by each Party.
3. The Committee shall exercise the following tasks:
  - (a) supervising the implementation of this Agreement and its subsequent development;
  - (b) evaluating the results obtained from the application of this Agreement, in particular the evolution of the economic relations between the Parties;
  - (c) considering issues submitted by a Party concerning this Agreement;
  - (d) finding the mechanisms needed to develop the points set out in this Agreement;

(e) making possible the participation of cultural representatives active in the fields covered by this Agreement, to be consulted on issues related to the implementation of this Agreement;

(f) exploring the most appropriate way to forestall or solve problems that may arise in relation to the issues covered by this Agreement; and

(g) considering any other matter of interest relating to an area covered by this Agreement.

4. The Committee may:

(a) consider any amendments to the provisions of this Agreement, subject to the internal legal procedures of each Party;

(b) adopt interpretations of the provisions of this Agreement, provided that those interpretations do not constitute an amendment of the provisions concerned;

(c) adopt its own rules of procedure, as well as its meeting schedule and the agenda for its meetings; and

(d) take such other action in the exercise of its functions as the Parties may agree.

5. Each Party shall designate an office within its administration that shall serve as a Domestic Contact Point with the other Parties for purposes of implementing this Agreement.

6. A Party may request consultations with another Party in the Committee regarding any matter of mutual interest arising under this Agreement. The Committee shall thereafter promptly convene and make every attempt to arrive at a mutually satisfactory resolution of the matter. In doing so the Committee may seek the advice of cultural representatives of the Parties active in the fields covered by the Agreement and each Party may seek the advice of its own cultural representatives.

7. The Committee shall adopt all its decisions by consensus.

8. Without prejudice to paragraphs 1 and 7, the Committee may meet in sessions where the EU Party and one signatory Andean Country participate, regarding matters which relate exclusively to the bilateral relationship between the EU Party and such signatory Andean Country. If another signatory Andean Country expresses interest in the matter which will be discussed in such a session, it may participate in the session subject to prior agreement of the EU Party and the signatory Andean Country concerned.

## Article 5

### **Artists, creators and other cultural professionals and practitioners**

1. “Artists, creators and other cultural professionals and practitioners” means natural persons that perform and manage cultural activities, produce cultural goods or supply cultural services.

2. Each Party shall endeavour to facilitate, in conformity with its legislation, the entry and temporary stay into its territory of artists and other cultural professionals and practitioners from another Party, who are either:

(a) artists, actors, technicians, creators and other cultural professionals and practitioners from another Party involved in the shooting of cinematographic films or recording of radio and television programmes; or

(b) artists, creators and other cultural professionals and practitioners who are involved in the fields of visual, plastic and performing arts in general, as well as instructors, composers, authors, providers of entertainment services and other similar professionals and practitioners from another Party involved in cultural activities such as the recording of music or contributing an active part to cultural events such as literary, artisanal and artistic fairs, festivals, congresses, among other activities;

provided that they are not engaged in selling their services to the general public or in supplying their services themselves, do not on their own behalf receive any remuneration from a source located within the Party where they are temporarily staying, and are not engaged in the supply of a service in the framework of a contract concluded between a legal person who has no commercial presence in the Party where the artist or other cultural professional or practitioner is temporarily staying and a consumer in this Party.

3. Entry and temporary stay as referred to in paragraph 2, when allowed, shall be for a period of up to 90 days in any 12-month period.

4. The Parties shall endeavour to facilitate, in conformity with their respective legislations, the training of, and increased contacts between artists and other cultural professionals and practitioners, such as:

(a) artists, actors, directors, producers, technicians, creators and other professionals engaged in different audiovisual sector activities;

(b) performing arts professionals, singer groups, bands and orchestra members;

(c) authors, composers, plastic artists, entertainers and other individual artists;

(d) artists and other cultural professionals and practitioners participating in the direct supply of circus, amusement park and similar attraction services;

(e) artists and other cultural professionals and practitioners participating in the direct supply of ballroom, discotheque and dance instructor services;

(f) journalists specialised in culture, photographers, graphic designers, illustrators and other personnel associated in the creative aspects of publishing; or

(g) cultural managers, persons engaged in developing cultural policies, with the aim of fostering exchanges on cultural policies, and cultural researchers involved in the mapping and analysis of cultural industries and policies which support such policies.

Article 6  
**Technical assistance**

1. The EU Party shall endeavour to provide technical assistance to signatory Andean Countries for the development of their cultural industries, the design and implementation of cultural policies, and the promotion of the production and exchange of cultural goods and services.

2. The Parties agree to cooperate, including by facilitating support, through different measures, *inter alia*, training, exchange of information, expertise and experiences, and counselling in elaboration of policies and legislation as well as in usage and transfer of technologies and know-how. Technical assistance may also facilitate the cooperation between private companies, non-governmental organisations as well as public-private partnerships.



## **TITLE III SECTORAL PROVISIONS**

### Article 7

#### **Audio-visual, including cinematographic, cooperation**

1. The Parties shall encourage the negotiation of new and the implementation of existing co-production agreements between one or several EU Member States and one or several signatory Andean Countries.
2. The Parties, in conformity with their respective legislations, shall facilitate the access of co-productions between one or several EU producers and one or several signatory Andean Countries producers to their respective markets, including by facilitating support through the organisation of festivals, seminars and similar initiatives.
4. Each Party shall encourage as appropriate the promotion of its territory as a location for the purpose of shooting cinematographic films and TV programmes.
5. The Parties shall endeavour to exchange best practices in the field of preservation, including restoration, and digitalisation of audio-visual archives. In this context, the Parties shall encourage the cooperation between their cinematheques.

### Article 8

#### **Performing arts**

1. The Parties agree to cooperate, in conformity with their respective legislations, including by facilitating increased contacts between practitioners of performing arts in areas such as professional exchanges and training, *inter alia*, participation in auditions, development of networks and promotion of networking.
2. The Parties shall encourage joint productions in the fields of performing arts between producers of one or several EU Member States and one or several signatory Andean Countries.
3. The Parties shall encourage the development of international theatre technology standards and the use of theatre stage signs, including through appropriate standardisation bodies. The Parties shall facilitate the cooperation towards this objective.

### Article 9

#### **Publishing**

The Parties agree to cooperate, in conformity with their respective legislations, including by facilitating exchange with and dissemination of publications of another Party, including digital publications, in areas such as:

- (a) the organisation of fairs, seminars, literary events and other similar events related to publications, including public reading mobile structures;
- (b) facilitating co-publishing and translations; or
- (c) facilitating professional exchanges and training for librarians, writers, translators, booksellers and publishers.

## Article 10

### **Protection of cultural heritage**

1. The Parties agree to cooperate, including by facilitating support, to encourage exchanges of expertise and best practices regarding plans of protection and management of landscapes, sites and historic and archaeological monuments, including their immediate surroundings, bearing in mind the UNESCO world heritage mission.
2. For the purposes of paragraph 1, the Parties shall, *inter alia*, facilitate the exchange of experts, collaborate on professional training, promote awareness among the local public and provide counselling on the protection and conservation of the historic monuments and protected spaces, and on the legislation and implementation of measures related to heritage, in particular highlighting its value and integration into local life. Such cooperation shall conform with the respective legislation of the Parties.
3. The Parties agree to cooperate to identify, abolish and avoid the illegal traffic of cultural heritage of the Parties, and to facilitate and support the return of illegally exported cultural goods, as set out in the relevant international conventions and other commonly agreed instruments. To this end, the Parties encourage the cooperation between their respective governmental agencies<sup>1</sup>. In addition, the Parties may also encourage the subscription of bilateral agreements between one or several EU Member States and one or more signatory Andean Countries.

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<sup>1</sup> "Governmental agencies" means those agencies engaged directly or indirectly in protecting cultural heritage.

**TITLE IV**  
**FINAL PROVISIONS**

Article 11  
**Entry into force**

1. Each Party shall notify in writing the completion of its internal procedures required for the entry into force of this Agreement to the other Parties and to the Depositary referred to in Article 15.
2. This Agreement shall enter into force between the EU Party and each signatory Andean Country on the first day of the month following the date of receipt by the Depositary of the last of the notifications foreseen in paragraph 1 corresponding to the EU Party and that signatory Andean Country.
3. The entry into force of this Agreement between the EU Party and each signatory Andean Country, shall require, in addition to the condition referred to in paragraph 1, the deposit by the signatory Andean Country concerned, of its instrument of ratification of the UNESCO Convention to the UNESCO Secretariat in Paris.

Article 12  
**Duration and withdrawal**

1. This Agreement shall be valid for an indefinite period.
2. Any Party may withdraw from this Agreement by means of a written notification to the other Parties and the Depositary and such withdrawal shall have effect six months after the date of receipt of such notification by the Depositary.
3. Notwithstanding paragraph 2, when a signatory Andean Country withdraws from this Agreement, the Agreement shall continue to be in force between the EU Party and the other signatory Andean Countries. This Agreement shall be terminated in case of denunciation by the EU Party.

Article 13  
**Accession of new Member States of the European Union**

1. The EU shall notify to the signatory Andean Countries of any request for accession of a third country to the EU.
2. During the negotiations between the EU and the candidate country seeking accession to the EU, the EU shall:
  - (a) provide, upon request of a signatory Andean Country, and to the extent possible, any information regarding any matter covered by this Agreement;  
and

- (b) take into account any concerns expressed by the signatory Andean Countries;
3. The EU shall notify the signatory Andean Countries of the entry into force of any accession to the EU.
4. In the framework of the Committee, and sufficiently in advance to the date of accession of a third country to the EU, the EU and the signatory Andean Countries shall examine any effects of such accession on this Agreement. The Committee shall decide on any necessary adjustment or transition measures.

#### Article 14

#### **Accession to this Agreement by other Member Countries of the Andean Community**

1. Any Member Country of the Andean Community which is not a Party to this Agreement on the date of its entry into force between the EU Party and at least one signatory Andean Country (hereinafter referred to as "applicant Andean Country") may accede to this Agreement in conformity with the conditions and procedures described in this Article.
2. The EU Party shall negotiate with the applicant Andean Country the conditions of its accession to this Agreement. In the context of these negotiations, the EU Party shall aim at preserving the integrity of the Agreement.
3. The EU Party shall consult the signatory Andean Countries within the Committee on any result of the accession negotiations with an applicant Andean Country that may affect the rights or obligations of the signatory Andean Countries. At the request of any Party, the Committee shall review the effects of the accession of the applicant Andean Country to this Agreement and shall decide on any further measures that might be necessary.
4. The accession of an applicant Andean Country shall be made effective by means of the conclusion of a Protocol of accession, subject to prior approval by the Committee. The Parties shall undertake the internal procedures necessary for the entry into force of that Protocol.
5. The Agreement shall enter into force between the applicant Andean Country and each of the Parties to this Agreement on the first day of the month following the receipt by the Depositary of the last notification of the completion of the internal procedures required for the entry into force of the Protocol of accession by the applicant Andean Country and the corresponding Party.

#### Article 15

#### **Depositary**

The Secretary-General of the Council of the European Union shall act as Depositary of this Agreement.

Article 16

**Amendments**

1. The Parties may agree, in writing, to any amendment to this Agreement.
2. Any amendment shall enter into force and constitute an integral part of the Agreement according to the conditions established in Article 11, *mutatis mutandis*.
3. The Parties may further develop the commitments undertaken in this Agreement, or broaden its scope of application, by agreeing to amendments to the Agreement or by concluding agreements on specific sectors or activities, taking into consideration the experience gained during its implementation.

Article 17

**Reservations**

This Agreement does not allow for reservations within the meaning of the Vienna Convention on the Law of Treaties.

Article 18

**Authentic text**

This Agreement is drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

IN WITNESS WHEREOF, the undersigned, duly authorised, have signed this Agreement.

**DONE** in triplicate in , on of the month of of 20 ]