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C(2021) 171 final

**COMMUNICATION FROM THE COMMISSION**

**on the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe'**

## 1. INTRODUCTION

Diversity is at the heart of the European Union. Article 2 of the Treaty on European Union states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Article 3 further states that the Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced. This diversity is therefore inherent to European identity.

A legal framework is in place to ensure that the rights of persons belonging to minorities are upheld. Article 21 of the Charter of Fundamental Rights prohibits discrimination based on race, ethnic origin, religion, membership of a national minority, as well as language. Its Article 22 provides for respect by the Union of cultural, religious and linguistic diversity. This is supported by specific initiatives prohibiting discrimination such as the Council Framework Decision on Combating Racism and Xenophobia<sup>1</sup>

This general framework is further supported by dedicated policy frameworks and this Commission has been committed to take it forward as part of a Union of Equality. This includes, for example, the EU Anti-Racism Action Plan<sup>2</sup>, the Gender Equality Strategy 2020-2025<sup>3</sup>, the LGBTIQ Strategy 2020-25<sup>4</sup> and the EU Roma Strategic Framework for Equality, Inclusion and Participation<sup>5,6,7</sup>.

At the same time, the EU has no general legislative competence specifically on the protection of national minorities. Article 2 of the TEU refers to "rights of persons belonging to minorities" as one of the values on which the Union is founded and which should thus be taken into account when implementing Union policies. Articles 21 and 22 of the Charter of Fundamental rights do not provide powers to legislate on the protection of national minorities other than those conferred to the Union by the legal bases applicable to the specific policy areas.

Article 11(4) of the Treaty on European Union provides for the European Citizens' Initiative. Under the Article, at least one million citizens who are nationals of a significant number of EU Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The detailed rules for the operation of the European Citizens'

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<sup>1</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

<sup>2</sup> COM(2020) 565

<sup>3</sup> COM(2020) 152

<sup>4</sup> COM(2020) 698

<sup>5</sup> COM(2020) 620

<sup>6</sup> The Commission will also present early 2021 a comprehensive Strategy on the Rights of the Child, which will strengthen the support to and protection of children, including the rights of children from minority groups.

<sup>7</sup> Principle 3 of the European Pillar of Social Rights states that "Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Equal opportunities of under-represented groups shall be fostered."

Initiative are set out in a Regulation revised in 2019 to realise its full potential as a tool to foster debate<sup>8</sup>.

The **Minority SafePack – one million signatures for diversity in Europe (“Minority SafePack Initiative”)** is the fifth European Citizens’ Initiative to have met the requirements set out in the European Citizens’ Initiative Regulation. The initiative aims to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. It calls upon the EU to adopt a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union.

The European Citizens’ Initiative Regulation sets out the framework for the Commission to register citizens’ initiatives, provided that the conditions for registration are fulfilled. Once a citizens’ initiative is registered, it gives the organisers the green light to collect signatures. The Commission decision also defines the scope of the initiative. One of the conditions for registration is that the initiative, or parts of it, do not fall manifestly outside the framework of the Commission’s powers to propose a legal act of the Union for the purpose of implementing the Treaties.

***Proposals made by the organisers and recognised in the Commission Registration Decision***

- a recommendation of the Council ‘on the protection and promotion of cultural and linguistic diversity in the Union’,
- a decision or a regulation of the European Parliament and of the Council, the subject matter of which is to adapt ‘funding programmes so that they become accessible for small regional and minority language communities’,
- a decision or a regulation of the European Parliament and of the Council, the subject matter of which is to create a centre for linguistic diversity that will strengthen awareness of the importance of regional and minority languages and will promote diversity at all levels and be financed mainly by the European Union,
- a regulation adapting the general rules applicable to the tasks, priority objectives and the organisation of the Structural Funds in such a way that account is taken of the protection of minorities and the promotion of cultural and linguistic diversity provided that the actions to be financed lead to the strengthening of the economic, social and territorial cohesion of the Union,
- a regulation of the European Parliament and of the Council, the subject matter of which is to change the regulation relating to the ‘Horizon 2020’ programme for the purposes of improving research on the added value that national minorities and cultural and linguistic diversity may bring to social and economic development in regions of the EU,
- the amendment of the EU legislation in order to guarantee approximately equal treatment for stateless persons and citizens of the Union,
- a regulation of the European Parliament and of the Council, in order to introduce a unitary copyright so that the whole EU can be considered an internal market in the field of copyright,
- an amendment of Directive 2010/13/EU, for the purpose of ensuring the freedom to provide services and the reception of audiovisual content in regions where national minorities reside,
- a Council regulation or decision, with a view to the block exemption of projects promoting national minorities and their culture from the procedure provided for in Article 108(2) TFEU.

<sup>8</sup> Regulation (EU) 2019/788 of 17 April 2019, Ref, replacing Regulation (EU) 211/2011

The Commission decision allowed the organisers to collect statements of support for the initiative. The organisers officially submitted their initiative to the Commission on 10 January 2020. By that date, 1,128,422 statements of support, reaching the thresholds in 11 Member States, had been checked and validated by national authorities. The Commission met the organisers on 5 February 2020.

On 15 October 2020, the organisers presented their Initiative and its proposals at a public hearing organised at the European Parliament. The European Citizens' Initiative Regulation stipulates that from this point, the Commission has three months in which to adopt a communication setting out its legal and political conclusions on the initiative<sup>9</sup>.

Based on a motion for a resolution pursuant to Rule 222(8) of the Rules of procedure, the Minority SafePack European Citizens Initiative was debated at the European Parliament's plenary session on 14 December, 2020. The resolution adopted on 17 December 2020 expressed its support for the Minority SafePack European Citizens' Initiative, called on the Commission to act on it and to propose legal acts, pointed out that the initiative registered by the Commission calls for legislative proposals in nine distinct areas, and underlined the expectation that each individual proposal should be verified and assessed on its own merits, taking into account the principles of subsidiarity and proportionality.

During the debate, the Commission stressed that inclusion and respect for the rich cultural diversity of Europe is one of its main priorities and objectives. It underlined that any discrimination on the basis of membership of a national minority is explicitly prohibited under Article 21 of the Union's Charter of Fundamental Rights. The Commission also confirmed its commitment both to policy support and funding.

This communication addresses the points raised in the resolution in responding to each of the nine proposals of the Minority SafePack initiative.

## 2. EVALUATION OF THE PROPOSALS

### 2.1. Council recommendation for the protection and promotion of cultural and linguistic diversity in the Union

#### *Intended purpose*

The organisers of the Minority SafePack Initiative propose a Recommendation in which the EU sets out ways to protect and promote cultural and linguistic diversity, in particular for the protection of the use of regional and minority languages in the areas of public administration, public services, education, culture, in the judiciary, media, health care, commerce and consumer protection (including labelling).

#### *Analysis*

Under Article 2 of the Treaty on European Union (TEU), respect for the rights of persons belonging to minorities constitutes one of the founding values of the EU. In addition, Articles 21 and 22 of the Charter of Fundamental Rights prohibit discrimination on any ground including based on membership of a national minority. They also require the respect by the Union of cultural, religious and linguistic diversity.

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<sup>9</sup> Regulation (EU) 2020/1042 of the European Parliament and the Council

The Union has no legislative competence over questions such as the use of regional or minority languages, in public education or elsewhere. Those questions fall under the responsibility of the Member States.

### *Existing instruments and on-going initiatives*

The scope of issues identified for a Council recommendation are already the subject of two important international instruments:

- The Council of Europe's European Charter for Regional or Minority languages (1992). The EU, which encourages its Member States to sign the Charter, regularly refers to this as the legal instrument defining the guidelines for the promotion and protection of regional and minority languages.
- The UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005), to which the EU itself is party, as well as all EU Member States. Article 7 of the Convention says that 'parties shall endeavour to create in their territory an environment which encourages individuals and social groups: to create, produce, disseminate, distribute and have access to their own cultural expressions including persons belonging to minorities'. The Convention also recalls that linguistic diversity is a fundamental element of cultural diversity, and reaffirms the fundamental role that education plays in the protection and promotion of cultural expressions.

The Commission has actively implemented Article 7 of the 2005 Convention by convening Member States and cultural sector dialogues on the themes of culture for social inclusion and intercultural dialogue. These fora<sup>10</sup> have specifically considered the role of culture in issues including the inclusion of national/linguistic minorities, Roma, refugees and migrants.

Under the Council work plan for culture<sup>11</sup>, a new expert group on multilingualism and translation is due to recommend concrete measures under the Creative Europe programme to promote linguistic diversity and the circulation of European works in the cultural and creative sectors.

Within its scope of competence, the Commission is also currently working together with the Member States on the implementation of several Council recommendations and other policy documents, which include aspects mentioned in the Citizens' Initiative:

- Council Recommendation (2018/C 195/01) on promoting common values, inclusive education and the European dimension of teaching (adopted May 2018), which aims at strengthening social cohesion and contributing to fight the rise of populism, xenophobia, divisive nationalism and the spreading of disinformation. The Recommendation calls upon Member States to encourage an understanding of the European context and common heritage and values and an awareness of the unity and diversity, social, cultural and historical, of the Union and the Member States of the Union. The Recommendation should help to promote a deeper sense of belonging at local, national and European level.
- Council Recommendation (2019/C 189/03) on a comprehensive approach to the teaching and learning of languages (adopted May 2019), which recognises the vast linguistic diversity in Europe and makes an explicit reference to regional and minority languages in recital 14.

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<sup>10</sup> <https://ec.europa.eu/policies/cultural-policy-cooperation-eu-level> [www.voicesofculture.eu](http://www.voicesofculture.eu)

<sup>11</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018XG1221\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018XG1221(01))

- The Commission Communication on achieving the European Education Area by 2025 (adopted in September 2020)<sup>12</sup>. Member States are invited to review their language policies for schools in line with the Council Recommendation on a comprehensive approach to the teaching and learning of languages<sup>13</sup>. The concept of ‘language awareness’ developed in the Annex to the recommendation includes existing practices in bilingual and multilingual regions, where ‘home’ languages, regional or minority languages are taught along with other languages of schooling.
- The EU Roma strategic framework for equality, inclusion and participation 2020-2030, and a proposal for a Council recommendation on Roma equality, inclusion and participation (currently under examination by the Council). The new initiative includes guidance on promoting (awareness of) Roma art, history and culture and social innovation and policy experimentation. It calls on Member States to include the Romani language and Roma history in school curricula and textbooks for both Roma and non-Roma students as well as to promote multicultural awareness raising activities and campaigns in schools. To promote Roma equality by tackling ‘antigypsyism’, the Commission will support activities promoting positive narratives and Roma role models, combatting negative stereotypes, raising awareness on Roma history and culture, and promoting truth and reconciliation under the citizens, equality, rights and values programme.

As foreseen in the Commission’s Fundamental Rights Strategy, from 2021 the Commission will present a new annual report on the application of the Charter in the EU, which will look more closely at the Charter’s application in the Member States and will provide further insight to the Commission for the assessment of compliance of national legislation with EU law. The annual reporting will adopt a thematic approach, focusing on areas of strategic relevance governed by EU law. Where relevant, issues within the scope of EU law related to the rights of persons belonging to minorities will form an integral part of the thematic report, in particular with regards the application of article 21 and 22 of the Charter.

These instruments represent a substantial set of measures, addressing the objectives set out in this proposal. As these EU initiatives are all recent, the effects and concrete outputs will only be visible in the coming years. The Commission will remain fully engaged in ensuring their effective implementation.

2.2. A decision or a regulation of the European Parliament and of the Council, the subject matter of which is to adapt ‘funding programmes so that they become accessible for small regional and minority language communities’

### *Intended purpose*

The Organisers of the Minority SafePack Initiative consider that existing funding programmes in education, culture, media and youth and the programmes’ efforts to include minority communities are too complex and too burdensome for small cultural and language communities. In addition, there are still criteria in the current programmes that exclude minority languages, as for example in the culture programme.

### *Existing instruments and future initiatives*

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<sup>12</sup> COM(2020) 625 final

<sup>13</sup> (2019/C 189/03)

Within the Erasmus+ programme, support for language learning and linguistic diversity is an overarching objective. Mobility actions for learners and teachers as well as strategic partnerships for organisations are accessible for regional and minority language projects, regardless of the status of these languages in the Member States concerned. Regarding language learning projects, the Erasmus+ programme is available for all languages, without any distinction on the status of the language.

It is possible for Erasmus+ projects to address smaller regional and minority languages. The proposed successor of Erasmus+ would put in place possibilities for small-scale partnerships, which will make access easier for small organisations, including those promoting regional and minority languages.

National Agencies have been set up in all countries participating in the Erasmus+ programme. Through these agencies, organisations active in the field of regional and minority languages can obtain information and technical assistance to apply for programme funds.

Likewise, the Creative Europe programme is accessible without discrimination to applicants based in the participating countries. Small-scale partnerships for cooperation projects are already possible under Creative Europe and are proposed to continue to exist in the future programme, with a further simplification of procedures. 70% of the funding goes to micro organisations (less than 10 employees) or small organisations (less than 50 employees).

Examples of cooperation projects covering minority languages are:

- ‘*Other Words – Literary Circuit for Small and Minority Languages*’ aims to establish a network of creative placements for European writers. The network received €200 000 from the Creative Europe programme between 2015 and 2019.
- ‘*Minority languages – good travelling companions*’ This was a school partnership focusing on regional or minority languages from Spain, Italy and Belgium. The partnership received almost €80 000 from Erasmus+ for activities between 2015 and 2017.

These and many other examples of funded projects promoting regional or minority languages are further discussed in the Commission’s brochure ‘Linguistic diversity in the European Union – the case of regional and minority languages’<sup>14</sup>.

In addition, within Creative Europe, the literary translation initiative specifically supports cultural and linguistic diversity in the EU and in participating countries by strengthening the transnational circulation and diversity of literary works. Access to this scheme is open to any language recognised in the participant countries. Creative Europe has so far funded more than 2,700 translations, publications and promotion of books from more than 40 European languages, including minority languages.

Financing instruments for the new Multiannual Financial Framework 2021-2027 have been re-designed to be more accessible and user-friendly. This includes working towards creating one-stop-shops for applicants, through the network of Creative Europe Desks, in

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<sup>14</sup> *Linguistic diversity in the European Union – the case of regional and minority languages*. Publications office of the European Union 2018.

all participating Member States. The desks and their network would enable all cultural and creative organisations to access information and technical assistance, to be able to apply for all actions and initiatives covered by Creative Europe as well as for other relevant EU funding opportunities. The Commission will also provide further guidance and greater clarity for applicants within its guidelines.

After the adoption of the new Erasmus+ and Creative Europe programmes, National Agencies for the implementation of Erasmus+ and the network of Creative Europe Desks could provide further guidance, including meetings with national representatives for small national cultural and language communities, to assist them with practical support on how to apply for funding. This would already ensure accessibility to programmes for small regional and minority language communities.

2.3. A decision or a regulation of the European Parliament and of the Council, the subject matter of which is to create a centre for linguistic diversity that will strengthen awareness of the importance of regional and minority languages and will promote diversity at all levels and be financed mainly by the European Union.

#### *Intended purpose*

The organisers of the Minority SafePack Initiative propose Language Diversity Centres that network and coordinate with each other. These centres would be funded by the EU and have the mandate to raise awareness of the importance of linguistic diversity and language learning. The Commission decision of 2017<sup>15</sup> (see 1 above) registered the subject matter of the proposal as ‘a centre for linguistic diversity’.

#### *Ongoing initiatives: the Council of Europe’s European Centre for Modern Languages*

The EU’s efforts to raise awareness of the importance of linguistic diversity, including the use of sign language and language learning are focused on working in close connection with the Council of Europe whose European Charter of Regional or Minority Languages provides a strong framework for its action in this area. Specifically, the Council of Europe’s European Centre for Modern Languages (ECML), which the European Commission supports and cooperates with, serves as a competence centre for language teaching and learning, including in multilingual classrooms and supports teaching in the student’s mother tongue, including minority languages.

The Commission cooperates with the ECML under specific common agreements aiming at improving the quality, efficiency and attractiveness of language education, and further developing testing and assessment of learning outcomes, thus progressively establishing a common basis for national evaluation systems based on the Common European Framework of Reference for Languages (CEFR). For 2021, the Commission has earmarked €700 000 for common actions with the ECML.

The ECML is also planning a range of activities within its 2020-2023 programme (2020-2023) focusing on advances and challenges in plurilingual approaches (culturally responsive pedagogies, language awareness, language-sensitive teaching, etc.). Regional and minority languages are fully included in this approach and the ECML supports the

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<sup>15</sup> Commission Decision (EU) 2017/652 of 29 March 2017 on the proposed Citizens' Initiative entitled ‘Minority SafePack — one million signatures for diversity in Europe’ (C(2017) 2200)



teaching and learning of such languages in different national contexts. In the next cooperation agreement between the European Commission and the ECML, which is currently being negotiated, the Commission will be attentive to the needs of linguistic diversity. For example, there may be scope for developing the outcomes of the Council of Europe's current policy experimentation on a plurilingual approach to the educational inclusion of Romani children in school. This would provide a bridge between the new EU Roma strategic framework for equality, inclusion and participation and the specific language-related actions of the Council of Europe.

The Commission has worked to support EU Member States with the implementation of the 2019 Council Recommendation<sup>16</sup> on a comprehensive approach to the teaching and learning of languages, and regional or minority languages have frequently been showcased as good practices for bilingual or multilingual education. Recently, there have been some positive signs of a revival of some regional languages<sup>17</sup>.

The Commission considers that working in close coordination with the Council of Europe and its European Centre for Modern Languages in this way is an effective way to raise awareness of the importance of linguistic diversity and language learning.

2.4. A regulation adapting the general rules applicable to the tasks, priority objectives and the organisation of the Structural Funds in such a way that account is taken of the protection of minorities and the promotion of cultural and linguistic diversity provided that the actions to be financed lead to the strengthening of the economic, social and territorial cohesion of the Union.

#### *Intended purpose*

The organisers of the Minority SafePack Initiative propose that the Cohesion Policy funds legislative framework projects be designed in such a way that account is taken of the protection of minorities and the promotion of cultural and linguistic diversity, with the overall aim to strengthen economic, social and territorial cohesion.

#### *The existing instruments and ongoing initiatives*

Cohesion Policy Funds are among the EU's largest investment instruments, addressing social and territorial inequalities across Europe. Support includes measures that aim to help the integration of marginalised communities, ethnic minorities, including Roma, and people with a migrant background, so they can fully participate in all aspects of society.

Taking due account of the non-discrimination principle, the proposal is already being addressed in the Cohesion Policy regulatory framework. In the current and post-2020 programming period, 'horizontal principles' are included in the Cohesion Policy Regulations. These require that all EU investments should promote equal opportunities for all, without discrimination against people based on inter alia racial or ethnic origin. In addition, in the new Common Provisions Regulation for the period 2021-2027, the non-discrimination requirement will be further reinforced by ensuring the compliance with the inclusion of the Charter of Fundamental Rights as a horizontal principle and

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<sup>16</sup> Council Recommendation of 22 May 2019 on a comprehensive approach to the teaching and learning of languages (2019/C 189/03).

<sup>17</sup> [https://nesetweb.eu/wp-content/uploads/2020/05/NESET\\_AR\\_2020\\_Future-of-language-education\\_Full-report.pdf](https://nesetweb.eu/wp-content/uploads/2020/05/NESET_AR_2020_Future-of-language-education_Full-report.pdf)

horizontal enabling condition, applicable to all policy areas. This means that Member States will need to ensure that effective mechanisms are in place to ensure compliance of programmes with the Charter, including reporting arrangements as well as cancellation of support in cases of non-compliance. Guidance has been prepared by the Commission to ensure that Member States respect the Charter<sup>18</sup>, including its provisions on non-discrimination and linguistic diversity, when implementing the European Structural and Investment (ESI) Funds.

In addition, to ensure an effective and efficient use of Funds, several other enabling conditions and corresponding criteria for their assessment are in place or have been proposed in order to maintain a favourable investment framework. Similar to the previous period, a specific thematic enabling condition, the existence of a National Roma inclusion strategic policy framework is being introduced for the 2021-2027 programming period. This is a precondition to make use of the funds when investing in the specific objective of promoting the socio-economic integration of marginalised communities such as Roma. For example, the criteria for the fulfilment of the enabling condition are related to the diversity of the Roma population, with a focus on young people, children and women, a reinforced focus on fighting discrimination and ‘antigypsyism’, the combination between effective ‘mainstreaming’ of Roma inclusion at the regional and local levels and the consequent need for collaboration of all levels of administration, and the need for more efforts in the area of desegregation.

In the 2014-2020 programming period, €21.5 billion from the European Regional Development Fund (ERDF) was allocated to support inclusive growth priorities (such as employment, social inclusion, education). This includes amounts allocated to investments in infrastructure development and equipment and access to services in employment, education, health, housing and social care, including with the objective to support the socio-economic integration of ethnic minorities and marginalized communities. In addition, the Funds have contributed to enhancing cooperation and exchange of experiences for these topics. Projects financed in the 2014-2020 programming period have included promoting cultural cohesion through development of new methods for teaching multilingualism and cultural awareness. As an example, under the URBACT programme, the ROMA-NeT project was set up by nine European cities to help improve the social inclusion and community development of Roma neighbourhoods. As a transnational exchange and learning network, ROMA-NeT offered the opportunity to the nine European cities to share their experiences in order to better understand the common European values in the Roma integration perspective.

€22.3 billion under the ESF was programmed for social inclusion measures in the 2014-2020 programming period, including €1.5 billion for the integration of marginalised communities such as Roma. In Spain, for instance, more than 600,000 people with a foreign/migrant background, and other minorities (including marginalised communities such as the Roma) have benefited from ESF measures. Such measures include personalised job-searching guidance, vocational education to improve perspectives to find a job, improvement of digital literacy, educational support, etc.

As the EU’s main instrument to invest in people and to implement the European Pillar of Social Rights, the European Social Fund Plus (ESF+) will support, complement and add

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<sup>18</sup> Commission notice — Guidance on ensuring the respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds (‘ESI Funds’), C/2016/4384, OJ C 269, 23.7.2016, p. 1–19

value to the policies of the Member States to ensure equal opportunities, access to the labour market, fair working conditions, social protection and inclusion. The ESF+ Regulation proposed for the new financing period foresees additional requirements and measures for equality and non-discrimination: all Member States have the obligation to have a dual approach, i.e. 1) to apply non-discrimination and gender equality mainstreaming throughout their preparation, implementation, monitoring and evaluation and 2) to support specific targeted actions to promote these principles.

The ‘partnership principle’ and the European Code of Conduct on Partnership<sup>19</sup> are being reinforced in the legal framework for Cohesion policy Regulations for 2021-2027. They provide for the involvement of relevant partners in the planning and implementation of Cohesion policy programmes, i.e. regional, local, urban and other public authorities, economic and social partners, bodies representing civil society, environmental partners, and bodies responsible for promoting social inclusion, fundamental rights, the rights of persons with disabilities, gender equality and non-discrimination. This can also include bodies representing minority communities.

Given that the Cohesion policy Funds are implemented by way of shared management, Member States, regional and local authorities are responsible for the implementation of the Funds and compliance with the horizontal principles.

The new legislative framework will provide significant opportunities to support the needs and interests of minorities. The European Parliament and the Council reached an overall agreement on the policy objectives of the 2021-2027 Cohesion Policy Regulations and on the Common Provisions Regulation, in December 2020. EU funds support is planned to continue in the post-2020 period through a dedicated Policy Objective, entitled ‘A more social and inclusive Europe implementing the European Pillar of Social Rights’. The European Regional Development Fund (ERDF) supports inclusion through infrastructure, equipment and access to services in education, employment, housing, social, health and child care. The focus will be on integration measures of members of marginalized communities, including ethnic, in close cooperation with ESF+ support.

2.5. A regulation of the European Parliament and of the Council, the subject matter of which is to change the regulation relating to the ‘Horizon 2020’ programme for the purposes of improving research on the added value that national minorities and cultural and linguistic diversity may bring to social and economic development in regions of the EU

#### *Intended purpose*

The organisers of the Minority SafePack Initiative propose that the ‘Horizon 2020’ programme prioritises research into societal challenges, including the role of national minorities and cultural and linguistic diversity in relation to demographic change, cross-border economic and social development, and their impact on regions in Europe.

#### *Existing instruments and ongoing initiatives*

There were a number of opportunities under Horizon 2020 for researchers and institutions working on national minorities and cultural and linguistic diversity to apply

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<sup>19</sup> Commission Delegated Regulation (EU) No 240/2014, to be continued in 2021-2027, as per Article. 6(3).

for funding, such as in the ‘bottom-up’ calls under the Marie Skłodowska-Curie Actions (MSCA) and the European Research Council (ERC). Examples of funded projects are Voices of Belonging (‘Minority Identities, Language and Education in the Netherlands’, MSCA, 2017-2021), COLING (‘Minority Languages, Major Opportunities. Collaborative Research, Community Engagement and Innovative Educational Tools’, MSCA, 2018-2021), N-T-AUTONOMY (‘Non-Territorial Autonomy as Minority Protection in Europe: An Intellectual and Political History of a Travelling Idea, 1850-2000’, ERC, 2018-2023), LaFS (‘Language, Families, and Society’, MSCA, 2019-2021), YEELP (‘Youth Engagement in European Language Preservation, 1900-2020’, ERC, 2019-2024) and Speaking Freely (‘Linguistic Domination, Republicanism and Federalism’, MSCA 2021-2023).

Opportunities have also been provided in the ‘top-down’ programmes Societal Challenges, including research activities on minorities as part of European identity. The programme devoted to Social Sciences and Humanities studies called ‘Europe in a changing world: inclusive, innovative and reflective societies’ has been particularly relevant. Funded projects relevant for minorities included EduMAP (‘Adult Education as a Means for Active Participatory Citizenship’ 2016-2019), REACH (‘Re-designing access to CH for a wider participation in preservation, (re)use and management of European culture’, 2017-2020), CHIEF (‘Cultural Heritage and Identities of Europe’s Future’, 2018-2021), IMPACTOUR (‘Improving Sustainable Development Policies and Practices to assess, diversify and foster Cultural Tourism in European regions and areas’, 2020-2023). A project funded under another H2020 programme is ENGHUM (‘Engaged humanities in Europe: Capacity building for participatory research in linguistic-cultural heritage’, 2016-2018). The European Commission has launched in January 2021 a H2020 funded project for a Competence Centre for the digital preservation and conservation of cultural heritage, which will operate as a virtual infrastructure providing expertise, advice and services using state-of-the-art ICT with a special focus on 3D technology<sup>20</sup>.

The upcoming (2021-2027) research and innovation framework programme, Horizon Europe covers the whole research spectrum, providing funding opportunities to researchers and institutions with the aim of boosting excellence in science, tackling societal challenges and delivering innovation. The basic acts are not prescriptive, as they only indicate the main research orientations in the different areas, without entering into specific research fields. Calls and topics to boost research in specific areas will be identified in the work programmes. Under the cluster ‘Culture, creative and inclusive society’ (Cluster 2), within Pillar II ‘Global Challenges and European Industrial Competitiveness’ of Horizon Europe, ‘top-down’ research opportunities can be offered in relation to national minorities or cultural and linguistic diversity linked to the social and economic development of the European regions and/or as part of the European identity. This may be implemented in one or more of the three ‘intervention areas’ of this cluster, which are democracy and governance, cultural heritage, and social and economic transformations. Research on national minorities or cultural and linguistic diversity may be performed from different perspectives and using methodologies belonging to different Social Sciences and Humanities.

In the ‘Orientations towards the first Strategic Plan for Horizon Europe’ it is clearly stated that research and innovation activities under Cluster 2 will help to protect

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<sup>20</sup> <https://cordis.europa.eu/project/id/101004468>

languages as part of Europe's cultural heritage. Specifically, it states that these activities 'will also help the preservation of endangered languages'. In this context, it is therefore likely that in the Horizon Europe work programmes for this area significant attention will be devoted to research activities aiming at safeguarding minority, regional and local languages, fostering cultural and linguistic diversity in Europe and boosting social and economic development in the different European regions. This may involve the participation of regional and local communities, universities and organisations working in the field of minority languages.

Horizon Europe, throughout its clusters, will 'mainstream' an intersectional dimension that takes into account the needs of different social groups, including ethnic and national minorities, in fields such as health, culture, security, digital industry, climate and agriculture. As such, research projects and outcomes are aimed at creating a more inclusive societal impact and tackling intersecting inequalities related to ethnicity, gender, age, religion, class or other social categories.

Researchers and institutions will also be able to apply for the 'bottom-up' research opportunities that the new framework programme Horizon Europe will provide under the Marie Skłodowska-Curie Actions (MSCA) and the European Research Council (ERC). The Commission therefore considers that important opportunities will exist in the next financing period to support cultural and linguistic diversity.

2.6. The amendment of EU legislation in order to guarantee approximately equal treatment for stateless persons and citizens of the Union
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*The intended purpose*

The organisers of the Minority SafePack Initiative propose an amendment to the directives that would allow for the approximation of the rights of long-term stateless persons and their families to those of EU citizens. They ask for an extension of citizens-related rights to stateless persons and their families, who have been living in their country of origin for the whole of their lives.

*Existing instruments and ongoing initiatives*

Article 67(2) of the TFEU states that, for the purpose of Title V (area of freedom, security and justice), stateless persons shall be treated as third-country nationals.

Article 79 of the TFEU is the legal basis for the development of a common immigration policy aimed at ensuring, inter alia, fair treatment of third-country nationals residing legally in Member States.

Since 2003, several directives have been adopted regulating the rights of certain categories of third-country nationals. These directives establish the principle of equal treatment between third-country nationals and EU citizens in many important areas of life, such as work, social security, access to goods and services and education. By virtue of Article 67(2) of the Treaty, these directives also cover stateless persons.

The Minority SafePack Initiative suggests an amendment to Directive 2003/109/EC on long-term residents, in a way that stateless persons would have a facilitated access to obtain the status of long-term residents, and would also enjoy more rights (compared to third-country nationals).

The Commission, in its New Pact on Migration and Asylum adopted on 23 September 2020<sup>21</sup>, announced that it will propose a revision of Directive 2003/109/EC, to create a true EU long-term residence status, in particular by strengthening the right of long-term residents to move and work in other Member States.

### *Analysis*

Within the limits of Article 67(2) of the TFEU, a legal act could be adopted in the area of rights of third-country nationals residing legally in a Member State. However, at this stage, the Commission sees no specific reasons to amend the current legislation in order to further approximate the rights of third-country nationals to the rights conferred on EU citizens.

At the same time, further action can be taken to address the specific situation of stateless persons. This could come either through better implementation of the existing legislation or through other tools such as the funding instrument for asylum, migration and integration, and more generally through and the EU policy on the integration of migrants.

An important tool in this area is the new comprehensive Action Plan on integration and inclusion for 2021-2027 adopted by the Commission on 24 November 2020<sup>22</sup>. This Action Plan covers all third-country nationals who reside legally in the EU as well as EU citizens who have a migrant background through their families and the host societies. The implementation of the Action Plan will take account of the situation of stateless persons and EU citizens belonging to national minorities, in particular, their need to be better integrated in society via better employment, education and social opportunities. The measures of the Action Plan will be supported by the new Asylum, Migration and Integration Fund for the programming period 2021-2027, as well as by the ESF+ and the European Regional Development Fund.

2.7. A regulation of the European Parliament and of the Council, in order to introduce a unitary copyright so that the whole EU can be considered an internal market in the field of copyright.

### *The intended purpose*

The organisers of the Minority SafePack Initiative propose the creation of a unitary European copyright, through which the whole EU is regarded as one single market for copyrights. This solution will lead to the abolition of licensing barriers within the Union and allow persons belonging to national minorities to access content on an equal basis with citizens from the Member State where the service is offered.

### *Analysis*

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<sup>22</sup> COM(2020) 758 final

<sup>22</sup> COM(2020) 758 final

Article 118 TFEU provides a specific legal base for the creation of European intellectual property rights to provide uniform protection of intellectual property rights throughout the Union.

There has already been substantial harmonisation of copyright law, notably with TFEU Article 53(1) and Articles 62 and 114 as a legal base. In particular, the latest measures adopted in 2019 are a significant step in addressing the concerns of the organisers of the Minority SafePack Initiative.

#### *Existing instruments and ongoing initiatives*

Several legislative instruments have been adopted in recent years to modernise the EU copyright framework. One of the goals has been to facilitate access to content across borders as well as eliminating barriers to access culturally and linguistically diverse content. These instruments offer solutions to alleviate the difficulties of clearing the licensing rights that are necessary to offer content across borders:

- The Directive (Directive (EU) 2017/1564) and Regulation (Regulation (EU) 2017/1563) implementing the Marrakech Treaty in the EU make it easier for people who are blind, visually impaired or otherwise print disabled to access more books and other print material in accessible formats, from across the European Union and exchange them with the rest of the world.
- The Directive on broadcasters' online transmissions and retransmissions (Directive (EU) 2019/789), aims to give Europeans a wider choice of TV and radio programmes originating in other EU Member States, particularly relevant for linguistic minorities. The Directive will contribute to increasing the cross-border availability of TV and radio programmes by simplifying the clearance of rights for certain broadcasters' online services and retransmission services. Member States have to transpose the new rules under the Directive by 7 June 2021.
- The Regulation on cross-border portability of online content services (Regulation (EU) 2017/1128), allows consumers who buy, or subscribe to, online content services – to watch films or sport broadcasts, listen to music, download e-books and play games – to continue accessing these services when they travel in other EU countries. A study has been launched in view of preparing a report on the application of the Portability Regulation.
- The Directive on Copyright in the Digital Single Market (Directive (EU) 2019/790) includes measures that will simplify licensing and facilitate access to content. It notably introduces a legal mechanism, which will make it easier for cultural heritage institutions to digitise and make available 'out-of-commerce'<sup>23</sup> works in their collections across borders. It also includes a negotiation mechanism to facilitate the licensing of audio-visual works on video-on-demand platforms. Finally, it modernises the EU rules applicable to key exceptions and limitations in the areas of teaching, research and preservation of cultural heritage, focusing in particular on digital and cross-border uses. This Directive also has to be transposed by 7 June 2021.

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<sup>23</sup> Out-of-commerce works refer to books, films and other works that are still protected by copyright but cannot be found commercially anymore.

The Commission will continue to monitor and ensure the correct implementation of these instruments. In the case of Directive (EU) 2019/789 and Directive (EU) 2019/790, which need to be transposed by June 2021, the Commission is assisting Member States in ensuring a timely and effective transposition for effective implementation. Once the transposition is complete, the Commission will consider any further implementation problems. Any affected party will be able to report such a problem to the Commission for consideration.

As regards a potential single copyright title and full harmonisation of copyright in the EU, given the recent modernisation of the EU copyright rules and the specific rules adopted to facilitate access to content as described above, the Commission considers that these workstreams constitute an important policy response to the concerns of the organisers of the Minority SafePack Initiative.

Another relevant instrument is the Geo-blocking Regulation (Regulation (EU) 2018/302), which addresses unjustified geo-blocking restrictions based on customers' nationality, place of residence or place of establishment within the internal market and which does not apply to audiovisual content and applies only in part to other types of copyright-protected content (music, e-books, games/software). The Commission published a review in December 2020<sup>24</sup>, where it assessed the impact of extending the geo-blocking rules to online services giving access to copyright-protected content (audiovisual and non-audiovisual). The Report highlights potential benefits for consumers in Europe in the availability of a wider choice of content across borders if the Regulation were to be extended to cover audio-visual content. The Report also concludes that the potential impact of such an extension on the overall dynamics of the audio-visual sector needs to be further assessed. For these reasons, and as part of the Media and Audiovisual Action Plan<sup>25</sup>, the Commission will launch a stakeholder dialogue with the audiovisual sector in order to discuss concrete ways to foster the circulation of, and improve consumers' access to audiovisual content across the EU, before considering any follow-up measures.

2.8. An amendment of 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, for the purpose of ensuring the freedom to provide services and the reception of audiovisual content in regions where national minorities reside.

#### *Intended purpose*

The organisers of the Minority SafePack Initiative propose an amendment with the effect of ensuring that there will be freedom of service and freedom of reception of audio-visual content (both analogue/digital broadcasting and on-demand services, terrestrial and satellite) in those regions where national minorities live.

#### *Analysis*

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<sup>24</sup> First short-term review of the Geo-Blocking Regulation. COM(2020) 766.

<sup>25</sup> COM(2020)784 final



The circulation of audiovisual media content is of increasing importance for society and is relevant for the freedom of information, media freedom and pluralism as well as the promotion of education and culture. The Audiovisual Media Services Directive<sup>26</sup> (AVMSD) is based on the country of origin principle, which ensures that providers only need to abide by the rules of their Member State of jurisdiction, rather than in multiple countries. EU governments may thus not restrict audiovisual media services that originate in another Member States if those services comply with the Directive's rules in the Member State of origin.

The AVMSD facilitates the cross border circulation of audiovisual services while ensuring that there are minimum harmonised rules of general public interest (e.g. protection of minors, promotion of European works, advertising etc.). However, it does not cover copyright-related retransmission issues.

#### *Existing instruments and ongoing initiatives*

As concerns the country of origin principle, the revised AVMSD brings more clarity on which Member State's rules apply, aligns derogation procedures for both TV broadcasters and on-demand service providers as well as possibilities for derogations in the event of public security concerns and serious risks to public health. It had a transposition deadline of 19 September 2020.

With the revised directive, certain audiovisual rules (e.g. on advertising, protection of minors, protection of general public against incitement to violence or hatred and public provocation to commit terrorist offences) are extended also to video sharing platforms. It is important to note that the revised AVMSD also reinforced the promotion of European works, ensuring that video on demand providers (like Netflix, Amazon etc.) actively contribute to the objective of promoting cultural diversity within the EU by providing a minimum 30% share of European works in their catalogues and by giving prominence to those works<sup>27</sup>. In the Guidelines issued on the calculation of European works<sup>28</sup>, the Commission took the view that this objective of cultural diversity can only be effectively achieved if the 30 % share of European works is secured in each of the national catalogues offered by multi-country VOD providers. This will ensure that viewers in every Member State where the provider offers national catalogues have the required exposure to European works. This approach also presents the advantage that it is likely to incentivise the circulation and availability of European works across the Union.

The Commission will regularly monitor the application of the rules on the promotion of European works, based on reports from Member States and an independent study.

Therefore, while the AVMSD facilitates the free movement of audiovisual content through the country of origin principle and the minimum harmonisation approach, the cross border availability of audiovisual content may be affected by reasons outside the scope of the AVMSD, such as intellectual property rights, availability of technical resources or business/financial considerations.

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<sup>26</sup> Directive 2010/13/EU as amended by Directive (EU) 2018/1808 of 14 November 2018.

<sup>27</sup> The TV broadcasters' obligation to ensure for European works a majority proportion of their transmission time remains unchanged.

<sup>28</sup> Communication from the Commission Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover (2020/C 223/03).

This legislative framework should provide substantial support to the organisers' objectives. Given the recent revision of the AVMSD, no new additional legislative initiative is envisaged in the immediate future. The Commission will nevertheless monitor the general application of the Directive:

- By 19 December 2022 at the latest, and every three years thereafter, the Commission will submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive;
- By 19 December 2026 at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation of the impact of the Directive and its added value accompanied, where appropriate, by proposals for reviewing the Directive.

2.9. A Council regulation or decision, with a view to the block exemption of projects promoting national minorities and their culture from the procedure provided for in Article 108(2) TFEU.

#### *Intended purpose*

The organisers of the Minority SafePack Initiative call for a block exemption for activities that support minority communities and their culture. They call for an exemption that also takes into account the promotion of languages and regional diversity and respects the rights of persons belonging to minorities.

#### *Current rules*

When funding is provided to individuals not performing an economic activity or when the project in question does not affect trade between Member States, the funding does not amount to State aid as within the meaning of Article 107(1) TFEU.

Article 53 (Aid up to €75 million or €150 million for culture and heritage conservation per year) and 54 (Aid schemes of up to €50 million for audiovisual works per year), in conjunction with Article 4(1), (z) and (aa), of Commission Regulation (EU) No 651/2014 of 17 June 2014, declare certain categories of aid compatible with the internal market when applying Articles 107 and 108 of the Treaty under certain conditions.

Article 2(1)(a) for funding up to an annual amount of €15 million and/or Article 2(1)(c) for care and social inclusion of vulnerable groups along with other relevant conditions laid down in Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the TFEU to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, provide further potential for support the rights of persons belonging to minorities and their culture.

Funding of up to €200 000 over three fiscal years for any project is considered to be de minimis aid as per Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid.

Funding of up to €500 000 over three fiscal years for an undertaking providing a Service of General Economic Interest as per Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the TFEU is also considered to be de minimis aid granted to undertakings providing Services of General Economic Interest.

The measures that meet the conditions above do not require a notification by the Member State concerned to the Commission. While the Commission considers that the current State aid rules appear sufficiently flexible to accommodate the needs of the request, namely the exemption from notification to the Commission of projects promoting national minorities and their culture, it is always willing to provide guidance to the Member States.

#### *Ongoing guidance*

The Commission remains open to providing guidance, in cases when Member States face difficulties in making their intended measures to promote the rights of persons belonging to national minorities and their culture compatible with existing State aid rules.

### 3. CONCLUSION

Inclusion and respect for the rich cultural diversity of Europe is one of the priorities and objectives of the European Commission. The Commission is committed to continue providing policy support and funding in this regard.

In light of the powers afforded to the Commission and given the existing and ongoing initiatives taken over the last years that address several aspects of the proposals of the Citizens' Initiative originally presented in 2013, the Commission considers that follow-up can be made in a number of areas.

3.1 On the specific proposal (see proposal 2.1 above) for a Council Recommendation for the protection and promotion of cultural and linguistic diversity in the Union,

- The Commission will closely monitor the implementation of a number of EU initiatives adopted since 2017<sup>29</sup>, which include aspects mentioned in the Citizens' Initiative. The priority ambition of building a European Education Area should support Member States in reaching the goals of the related Recommendations, among others promoting common values, inclusive education and language aware schools.
- The Commission also notes that the EU Roma Strategic Framework for equality, inclusion and participation 2020-2030 as well as the proposal for a Council Recommendation on Roma equality, inclusion and participation (currently under examination by the Council) will promote (awareness of) Roma art, history and culture and social innovation as well as Roma policy experimentation.
- In view of the above, the Commission considers that no additional legal act is necessary.

3.2 On the proposal (see proposal 2.2 above) for a decision or a regulation of the European Parliament and of the Council, the subject matter of which is to adapt 'funding programmes so that they become accessible for small regional and minority language communities',

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<sup>29</sup> Council Recommendation (2018/C 195/01) on promoting common values, inclusive education and the European dimension of teaching; Council Recommendation (2019/C 189/03) on a comprehensive approach to the teaching and learning of languages; COM(2020) 625 Communication from the Commission on achieving the European Education Area by 2025

- The Commission notes that following the recent adoption of the new Erasmus+ and Creative Europe programmes, National Agencies for the implementation of Erasmus+ and the network of Creative Europe Desks should meet national representatives for small national cultural and language communities, to assist them with practical guidance on how to apply for funding. Further efforts towards creating a one-stop-shop for applicants should be made through the network of Creative Europe Desks, established in all countries participating in the programmes. The Desks and their network would enable all cultural and creative organisations to get information and technical assistance, to be able to apply for all actions and initiatives covered by Creative Europe as well as for other EU funding opportunities, which are relevant for them. The Commission will also provide further guidance and greater clarity within its guidelines. This will render funding programmes more accessible for small regional and minority language communities.
- The Commission will continue to monitor projects involving regional or minority languages and analyse their potential impact on policies in the countries concerned. Past projects, such as the ones listed in the Commission's brochure 'Linguistic diversity in the European Union – the case of regional and minority languages', can inspire applicants for new projects at the local, regional or national level, in line with the objectives of the future Erasmus programme 2021-27 on language learning, inclusion and promoting EU values.
- In view of the above, the Commission considers that no additional legal act is necessary.

3.3 On the proposal (see proposal 2.3 above) for a decision or a regulation of the European Parliament and of the Council, the subject matter of which is to create a centre for linguistic diversity, strengthening awareness of the importance of regional and minority languages as well as promoting diversity at all levels to be financed mainly by the European Union,

- The Commission considers it essential to maintain and develop cooperation through the Council of Europe's European Centre for Modern Languages, as well as providing Commission support to Member States with the implementation of the 2019 Council Recommendation. This will ensure an adequate EU focus and will also avoid the risk of duplication of efforts and resources from additional Centres;
- In view of the above, the Commission considers that no additional legal act is necessary.

3.4 On the proposal (see proposal 2.4 above) for a regulation adapting the general rules applicable to the tasks, priority objectives and the organisation of the Structural Funds in such a way that account is taken of the protection of minorities and the promotion of cultural and linguistic diversity provided that the actions to be financed lead to the strengthening of the economic, social and territorial cohesion of the Union,

- The Commission notes that in the 2021-2027 Common Provisions Regulation, the non-discrimination requirement is further strengthened by ensuring compliance with the Charter of Fundamental Rights as a horizontal principle and horizontal enabling condition, applicable to all policy areas.
- The Commission also emphasises that the Cohesion Policy funds will continue to be available for supporting the socio-economic integration of ethnic minorities and

marginalized communities, according to the identified needs by Member States at national, regional and local levels.

- In view of the above, the Commission considers that no additional legislative initiative and no further adaptation of the Cohesion Policy Funds legislative framework are necessary

3.5 On the proposal (see proposal 2.5 above) for a regulation of the European Parliament and of the Council to change the regulation relating to the ‘Horizon 2020’ programme for the purposes of improving research on the added value that national minorities and cultural and linguistic diversity may bring to social and economic development in regions of the EU,

- The Commission emphasises the various linguistic-cultural heritage and minority languages projects funded under Horizon 2020 and the fact that these opportunities to protect languages as part of Europe’s cultural heritage are being carried forward and further developed in the new Horizon Europe research and innovation activities.
- In view of the above, the Commission considers that no further legislative action is necessary.

3.6 On the proposal (see proposal 2.6 above) for an amendment of the EU legislation in order to guarantee approximately equal treatment for stateless persons and citizens of the Union,

- The implementation of the new comprehensive Action Plan on integration and inclusion for 2021-2024 may take account of the situation of stateless persons and EU citizens belonging to national minorities, in particular, their need to be better integrated in society via better employment, education and social opportunities.
- The measures of the Action Plan will be supported by the new Asylum, Migration and Integration Fund for the programming period 2021-2027, as well as by the ESF+ and the European Regional Development Fund.
- In view of the above, the Commission considers that no new legislative action is necessary.

3.7 On the Proposal (see proposal 2.7 above) for a regulation of the European Parliament and of the Council, in order to introduce a unitary copyright so that the whole EU can be considered an internal market in the field of copyright,

- The Commission notes that various legislative instruments have been adopted from 2017 to 2019 with transposition deadlines extending until June 2021. The implementation of these legislative instruments will be closely monitored by the Commission.
- The Commission published a review in December 2020, where it assessed the impact of extending the geo-blocking rules to online services giving access to copyright-protected content (audiovisual and non-audiovisual). The Commission will launch a stakeholder dialogue with the audiovisual sector in order to discuss concrete ways to foster the circulation of, and improve consumers’ access to audiovisual content across the EU, before considering any follow-up measures.
- In view of the above, the Commission considers that no further legislative action is necessary.

3.8 On the proposal (see proposal 2.8 above) for an amendment of 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, for the purpose of ensuring the freedom to provide services and the reception of audiovisual content in regions where national minorities reside,

- The Commission considers that the recently revised Audiovisual Media Services Directive (AVMSD) ensures that video on demand providers (like Netflix, Amazon etc.) actively contribute to the objective of promoting cultural diversity within the Union. In the guidelines issued on the calculation of European works, the Commission took the view that this objective of cultural diversity can only be effectively achieved if the 30% share of European works is secured in each of the national catalogues offered by multi-country video-on-demand providers. This will ensure that viewers in every Member State where the provider offers national catalogues have the required exposure to European works. This approach also presents the advantage that it is likely to incentivise the circulation and availability of European works across the Union.
- The Commission will regularly monitor the application of the rules on the promotion of European works, based on reports from Member States and an independent study as well as monitor the general application of the Directive.
- In view of the above, the Commission considers that the current rules are sufficient and no additional amendment of the Directive is necessary.

3.9 On the proposal (see proposal 2.9 above) for a Council regulation or decision, with a view to the block exemption of projects promoting national minorities as well as their culture from the procedure provided for in Article 108(2) TFEU,

- The Commission considers that the existing rules are sufficient for Member States to support projects that promote the rights of persons belonging to national minorities and their culture.
- The Commission will continue to provide guidance, should Member States face difficulties in making their intended measures to promote the rights of persons belonging to national minorities and their culture compatible with existing State aid rules.
- In view of the above, the Commission considers that no additional legal act is necessary.