**Agreements on future relations with the UK**

Following intensive negotiations, the European Commission has reached a deal with the United Kingdom on the terms of the country’s future cooperation with the European Union. On 1 January 2021, all of the rights and obligations the UK had as an EU Member State and, subsequently, during the transition period defined by the Withdrawal Agreement ceased to apply. The UK will no longer benefit from smooth access to the single market and customs union, nor from EU policies and international agreements (including free trade agreements with third countries).

Three agreements have been negotiated: the Trade and Cooperation Agreement (TCA), the Agreement concerning Security Procedures for Exchanging and Protecting Classified Information, and the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy.

The EU-UK Trade and Cooperation Agreement covers the following areas: trade in goods and services, digital trade, intellectual property, public procurement, aviation and road transport, energy, fisheries, social security coordination, law enforcement and judicial cooperation in criminal matters, thematic cooperation and participation in EU programmes.

There will be an institutional framework for the implementation and enforcement of the Agreement, as well as a binding dispute resolution and enforcement mechanism.

* To give maximum legal certainty to businesses, consumers and citizens, a chapter dedicated to governance provides clarity on how the Agreement will be operated and controlled. It also establishes a **Joint Partnership Council**, which will make sure that the Agreement is properly applied and interpreted, and which will discuss any issues that arise.
* Binding enforcement and dispute settlement mechanisms will ensure that rights of businesses, consumers and individuals are respected. This means that **businesses in the EU and the UK compete on a level playing field and will avoid either party using its regulatory autonomy to grant unfair subsidies or distort competition.**
* Both parties may engage in cross-sector retaliation in case of violations of the Trade and Cooperation Agreement. This cross-sector retaliation applies to all areas of the economic partnership.

**The Agreement does not cover foreign policy or cooperation in the field of external security and defence as the UK was unwilling to negotiate these matters.** As of 1 January 2021, there is therefore no framework in place between the UK and the EU to develop and coordinate joint responses to foreign-policy challenges, such as the imposition of sanctions on third-country nationals or economies.

**The EU-UK Trade and Cooperation Agreement does not require any special measures to be implemented or adopted in the Ministry of Culture’s field of competence.**

* **Trade in goods (Title I)**

Protection of cultural property

The UK will become a “third country”, which means it will no longer be in the European customs territory. In order for cultural goods to be exported to the UK, an export licence will be required under Act No 214/2002 on the export of certain cultural goods from the customs territory of the European Communities, as amended (Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods and Commission Regulation (EEC) No 752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods, or, where applicable, Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods and Commission Implementing Regulation (EU) No 1081/2012 of 9 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods).

In the Czech Republic, Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods will apply to imports of cultural goods from the UK.
According to Regulation 2019/880, imports of the categories of cultural goods listed in Parts A and B of the Annex thereto need to be controlled. However, this Regulation does not cover the return of cultural objects loaned temporarily to the UK for exhibition, restoration, or academic purposes because neither import licences nor registration are required in these cases.

Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State, transposed into Czech law by Act No 101/2001 on the return of unlawfully removed cultural objects, will no longer apply to the UK.

This issue will generally be governed by the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both the Czech Republic and the UK are party.

Section 20 of Act No 20/1987 on state heritage conservation, as amended, has codified exports of cultural heritage so that any such export out of the Czech Republic, even within the EU, requires a permit from the Ministry of Culture. There is also a commonly followed procedure in place for exporting cultural heritage beyond the EU, which will now be applicable to the UK.

* **Trade in services, free movement of capital (Titles 2 and 4)**

Media and audiovisual sector

In the **media and audiovisual** field, it will be necessary to apply the Council of Europe’s European Convention on Transfrontier Television, to which the UK and the Czech Republic are both party. While this Convention covers the same areas as the Audiovisual Media Services Directive on a number of points, the regimes under the Convention and the Directive are not fully compatible. In a move that will go a long way towards eliminating any differences, the UK has stated that it intends to transpose the Audiovisual Media Services Directive into national law. In practice, this means that UK operators broadcasting in the Czech Republic will apply for licences from the Czech regulator (the Council for Radio and Television Broadcasting) or another regulatory authority in a Member State in order to make use of the regime under the Audiovisual Media Services Directive. Similarly, it will not be possible to disseminate services in the UK with a Czech licence. Instead, these entities will have to apply for a licence from the UK regulator, Ofcom.

* **Intellectual property (Title V)**

From the 1st of January 2021, the EU and the UK are two separate legislative areas, and from that date the UK is not subject to EU laws on copyright and related rights and on sui generis right in databases.

The Trade and Cooperation Agreement between the EU and UK (hereinafter “Agreement EU/UK”) contains intellectual property provisions (IPR) in the Title V.

Chapter 1 contains general provisions (common to all intellectual property rights), sets the objectives, scope (to which intellectual property rights the Agreement EU/UK applies), definitions, list of international treaties by which the EU and the UK are bound (in the field of copyright all important treaties and conventions), as well as the commitment (to make all reasonable effort) to ratify two so far non-binding treaties (for the EU and the UK) (in the field of copyright, the WIPO Beijing Treaty on Audiovisual Performances). Furthermore, the Agreement EU/UK contains a general provision on the regime of exhaustion of rights (the regulation of exhaustion of rights is left to the contracting parties) and a provision on the principle of national treatment in Article IP. 6 (in the case of the rights of performers and producers of phonograms to phonograms released for commercial purposes, the principle of national treatment will apply only to the rights listed in the Agreement EU/UK. As for other rights the relevant international agreements shall apply.

Chapter 2 contains provisions relating directly to copyright, namely the rights of authors (Article IP. 7), the rights of performers (Article IP. 8), the rights of phonogram producers (Article IP. 9), the rights of broadcasters (Article IP. 10), regulation of broadcasting and communication of the phonograms issued for commercial purposes to the public (Article IP. 11), regulation of duration of protection of rights (Article IP. 12), regulation of the resale right (Article IP. 13), regulation on collective rights management (Article IP. 14), the general rule concerning the possibility to introduce exceptions and limitations to copyright (Article IP. 15), regulation concerning technical means of protection (Article IP. 16) and obligations concerning rights management information (Article IP. 17). These provisions correspond to relevant international treaties and conventions to which both the EU and its Member States and the UK are parties.

The national legislation of the UK in the field of copyright has not yet been changed and corresponds to those EU copyright-related directives and regulations for which the deadline for implementation has already expired. The only change will be that from the 1st of January 2021, the UK became a so-called third country in copyright relevant cases.

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**Culture**

The EU-UK Withdrawal Agreement did not foresee the adoption of specific measures relating to culture.

One of the EU’s main vehicles for cultural and audiovisual support is the Community-wide Creative Europe programme. Negotiations are currently under way on the draft Creative Europe programme for 2021-2027. Previous meetings of the Council’s Cultural Affairs Committee (CAC) have discussed the possibility for the UK to participate in this programme only once, when it was confirmed that, if interested, the UK could become a third country. Third countries may participate in the programme if they pay a financial contribution. No other legislative action is required.

Culture in relation to job mobility

Part Two, Heading One, Title II of the Agreement lays down conditions for the provision of services. It is explicitly stated here that conditions for access to the employment market of either party to the Agreement are not regulated. The mobility of natural persons in the provision of services is regulated by Annex SERVIN-5 to the Agreement. The Agreement does not cover the working conditions of workers posted to engage in the transnational provision of services.

British artists will have the status of third-country artists. If they want to be employed in the Czech Republic, they need to comply with the Employment Act (Act No 435/2004), and specifically with Section 85 of that Act. To be employed here, foreign nationals must have a valid employment card, an intra-corporate transfer card, or a “blue card”. Alternatively, they may hold a valid work permit issued by a regional Labour Office branch together with a valid residence permit authorising them to stay in the Czech Republic. This does not apply to employees listed in Section 98 of the Employment Act. Attention should also be drawn to the exception under Section 98(d) of the Employment Act. This concerns foreign nationals whose work in the Czech Republic does not exceed seven consecutive calendar days or a total of 30 days in the calendar year and who are also performers (as defined by the Copyright Act), teachers, or university academics. It means that in case of short-term performances (concerts), this is an exception to the visa requirement: artistic activity is not considered as a gainful activity, even if it is paid, but the length of stay in the territory of the Czech Republic does not exceed 7 consecutive calendar days or a total of 30 days in one calendar year. In this case, visa-free access applies to UK artists.

Recognition of professional qualifications:

In this area, the professions of interest to the Ministry of Culture are restorers and archaeologists. The Ministry of Culture is governed by Directive 2005/36/EC on the recognition of professional qualifications and Act No 74/2019 regulating certain relations in connection with the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, which also covers the recognition of professional qualifications. Applicants from the UK will be subject to Act No 74/2019 on the regulation of certain relations in connection with the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union. Their applications will be assessed according to the specific situation that has arisen.

After the UK leaves the EU, UK nationals may pursue heritage conservation professions (the restoration of cultural monuments or archaeological research) in accordance with the relevant provisions of the above-mentioned State Heritage Conservation Act.

Bilateral cultural relations between the Czech Republic and the UK

Bilateral cultural relations with the United Kingdom are contractually built around the Cultural Agreement between the Government of the Czech and Slovak Federative Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on Cooperation in Education, Science and Culture (London, 3 April 1990), the Agreement on the Establishment and Operation of Cultural Centres (168/1992), and the Memorandum of Understanding and Cooperation in the Field of Culture between the Ministry of Culture of the Czech Republic and the British Council (London, 16 February 2004). These agreements are automatically renewed and will remain in force.

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**Possible questions and enquiries**

* Export, import and return of cultural goods – Trade in goods (Title I)

Most of the questions that legal and natural persons ask us can be summed up as “What do I need to export a specific item to a certain country?” With imports and exports, this always depends on the category of the cultural goods.According to EU legislation, export licences for third countries cannot be issued without a “control document”, which under Czech law is an export permit or certificate (Act No 20/1987 on state heritage conservation, Act No 122/2000 on the protection of museum collections, Act No 499/2004 on archiving and the records service, Act No 71/1994 on the sale and export of cultural artefacts).

***As the UK has become a third country for the export and import of cultural goods, the cross-border movement of cultural goods between the customs territory of the EU and the UK is regulated not only by Czech law, but also by European legislation. In cases of doubt, we recommend consulting this matter with the Ministry of Culture’s Autonomous Cultural Property Protection Unit.***

**Enquiries** in this respect might be articulated as: “What do I need to export cultural goods (e.g. a work of art, an antique, a vintage vehicle, etc.) to the UK?”

**Answer**: “The cross-border movement of cultural goods between the EU and the UK is governed by Czech legislation (Act No 20/1987 on state heritage conservation, Act No 122/2000 on the protection of museum collections, Act No 499/2004 on archiving and the records service, and Act No 71/1994 on the sale and export of cultural artefacts), and by European legislation (Act No 214/2002 on the export of certain cultural goods from the customs territory of the European Communities, as amended (Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods and Commission Regulation (EEC) No 752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods, or, where applicable, Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods and Commission Implementing Regulation (EU) No 1081/2012 of 9 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods; Act No 214/2002 on the export of certain cultural goods from the customs territory of the European Communities, as amended (Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods and Commission Regulation (EEC) No 752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods, or Council Regulation (EEC) No 116/2009 of 18 December 2008 on the export of cultural goods and Commission Regulation (EEC) No 1081/2012 of 9 November 2012 laying down provisions for the implementation of Council Regulation (EEC) No 116/2009 on the export of cultural goods);the essential factor is whether an object is classified under any of the categories covered by Czech and European law

**Important links:**

Cross-departmental website on Brexit (Brexitinfo)
[https://www.brexitinfo.cz](https://www.brexitinfo.cz/)