**The state of preparedness and impact of Brexit under the EU - UK Withdrawal Agreement on areas within the scope of the Culture Department**

The Ministry of Culture of the Czech Republic is an administrator in the Council for Education, Youth, Culture and Sport in the culture and audiovision section and within the Competitiveness Council is an administrator in the part of intellectual property – copyright.

On the basis of the current state of discussion of the EU - UK Withdrawal Agreement in the filed of culture, there is no need for implementation.

**Contractual base of bilateral relations of the Czech Republic – UK**

The Contractual Basis for Bilateral Cultural Relations with the United Kingdom is the Cultural Agreement between the CSFR Government and the Government of the United Kingdom of Great Britain and Northern Ireland on cooperation in the field of education, science and culture (London, 3 April 1990), the Agreement on the establishment and activities of cultural centres (168/1992 Coll.) 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 shall be automatically renewed and shall remain in force.

**Culture field**

The Withdrawal Agreement does not foresee the adoption of specific measures in the field of culture.

The Creative Europe program is a basic tool for EU support for culture and audiovision. The new proposal for the Creative Europe program for 2021-2027 is currently under discussion (the first trialogue with the EP has taken place). During the previous discussions of the Council's Cultural Affairs Committee (CAC), the possibilities for UK participation in this programme were discussed only once, with the possibility, in the case of the UK's interest, to become a so-called third country. The participation of third countries in the program is subject to payment of a participation fee. No other legislative measure is required.

**Arts, literature, libraries**

British artists will have the status of artists from outside the EU. If they were to enter into an employment relationship in the Czech Republic, they would have to comply with the Employment Act (No. 435/2004 Coll.), namely § 85. If a foreigner is to be employed in an employment relationship, he or she must have a valid employee card, a card of an in-house transferred employee or a so-called blue card, or to have a valid employment permit issued by the regional branch of the Labour Office and a valid residence permit in the Czech Republic. This does not apply to the employees listed in § 98 of the Employment Act. From the point of view of the Ministry of Culture, this exemption is relevant for r&amp;D workers. Furthermore, the exception provided for § 98 point d) of the Employment Act, which concerns a foreigner whose work in the Czech Republic does not exceed 7 consecutive calendar days or a total of 30 days in a calendar year, and that foreigner is also an executive artist (within the meaning of the Copyright Act), a teaching worker or an academic at a university. Other exceptions apply to pupils and students under 26 years of age.

It should be stressed that in the area of the so-called live art the labor law relations are not used too much. Contractual relations based on a civil or copyright basis, i.e. without the application of the Labour Code, are preferred. This is, for example, a contract for the performance of artistic performance (e.g. a foreign violinist will play several concerts) or a contract for artistic cooperation (it is essentially an inominated contract under Section 1746(2) of the Civil Code, on the basis of which the foreign conductor has been working with a particular orchestra for several years).

**Cultural goods protection**

The UK will become a so-called third country and finds itself outside the European customs territory, for exports of cultural goods to the UK, an export authorisation would be required under Act No. 214/2002 Coll., 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 the method of implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods; resp. Council Regulation (EC) No 116/2009 of 18 December 2008 on the calculation of cultural goods and Commission Implementing Regulation (EU) No 116/2009 of 18 December 2008 on the export of cultural goods and Council Regulation (EU) No1081/2012 of 9 November 2012 on Council Regulation (EC) no 116/2009 on the export of cultural goods).

Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and import of cultural goods shall apply to imports of cultural goods from the UK;

Pursuant to Regulation 2019/880, imports are subject of the regulation of the categories of cultural goods listed in Parts A and B of the Annex. However, this Regulation would not affect the return of cultural goods temporarily lent to the UK for exhibition, restoration, academic purposes, as no import license or registration is required in these cases.

Directive 2014/60 / EU on the return of cultural property unlawfully exported from the territory of a Member State, implemented into Czech law by Act No. 101/2001 Coll., on the return of illegally exported cultural property, would no longer apply to the UK.

For the export of cultural monuments pursuant to Section 20 of Act No. 20/1987 Coll., On State Monument Care, as amended, it is already codified so that any export of a cultural monument outside the Czech Republic, even within the EU, requires a permit from the Ministry culture. The process of exporting cultural monuments outside the EU is also set, so after the date of Brexit, this already commonly practiced regime will be applied.

**Recognition of professional qualifications:**

In this area, the Ministry of Culture concerns the profession of restorer and archaeologist. The Ministry of Culture is governed by Directive 2005/36 / EC on the recognition of professional qualifications and Act No. 74/2019 Coll., 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, which also regulates the recognition of professional qualifications. Recognition will be governed by the date of acquisition. If a professional qualification has been recognized or an application for its recognition has been submitted before the United Kingdom leaves the EU, it will be treated as an application of EU citizens and the application will be decided according to Act No. 18/2004 Coll., on the recognition of professional qualifications. If the application for recognition of professional qualifications is submitted after the date of the withdrawal of the United Kingdom from the EU, it will be subject to Act No. 74/2019 Coll., 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 and will be assessed according to the specific situation. In these matters, the Ministry of Culture cooperates with the administrator of the Directive of the Ministry of Education, Youth and Sports.

As regards the recognition of professional qualifications, Article 27 of the Agreement states that the recognition of professional qualifications of Union citizens or UK nationals and their family members by the host or State of employment before the end of the transitional period shall have effect in the State concerned, including the right to pursue a profession under the same conditions as nationals of that State, which is perfectly acc

eptable fot he Czech Ministry of Culture. After Brexit, the exercise of monumental professions (restoration of cultural monuments, conducting archaeological research) will be made possible in accordance with the relevant provisions of the above-cited Act on State Monument Care.

**Media and audiovisual**

In the field of media and audiovisual, it will be necessary to apply the regime according to the European Convention on Transfrontier Television of the Council of Europe, as the UK and the Czech Republic are parties to this convention. In many respects, the Convention covers the same areas as the Audiovisual Media Services Directive, but the regimes under the Convention and the Directive are not fully compatible. UK has declared its intention to implement the Audiovisual Media Services Directive into its legal order in a shorter period of time, thus significantly eliminating any differences. Impacts in practice will mean the fact that operators broadcasting in the Czech Republic will apply for licenses from the Czech regulator of the Broadcasting Council or another regulatory body in a Member State in order to use the regime of the Audiovisual Media Services Directive. Similarly, the possible dissemination of services with a Czech license will not be possible in the UK and these entities will have to apply for a license from the local regulator OFCOM.

**Intellectual property - copyright**

Within the Competitiveness Council, the Ministry of Culture is responsible for intellectual property - copyright.

The area of ​​intellectual property contained in Part III, Title IV is also part of the current draft Agreement on the withdrawal of the United Kingdom from the EU. Copyright is covered by Article 54, specifically the protection of database rights. The agreement establishes the conditions for maintaining the protection of databases under Directive 96/9 / EC on the legal protection of databases. This protection is not the subject of any international agreement and will not be mutually recognized.

In other areas of copyright, relations between the UK and the Czech Republic will be governed by valid international agreements binding on both states.

In areas not covered by international agreements, such as the Regulation on the portability of online services (portability), the Orphan Works Directive (2012/28 / EU), the Collective Management of Rights (2014/26 / EU), or the Copyright and related rights in the digital single market (2019/790 / EU), the EU legislation will not be binding on the UK, so the entities concerned will not be subject to the relevant obligations and will not be able to reap the relevant benefits of such rules.

**References:**

Brexit info  
[https://www.brexitinfo.cz](https://www.brexitinfo.cz/)  
   
Office of the Government of the Czech republic  
<https://www.vlada.cz/cz/evropske-zalezitosti/Brexit>

Businessinfo  
[www.businessinfo.cz/brexit](https://www.businessinfo.cz/brexit)  
   
European Commission (negotiating team)  
<https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom_en>  
   
European Commission (Preparedness)  
<https://ec.europa.eu/info/brexit/brexit-preparedness_en>  
   
European Parlament (Brexit Steering Group)  
<http://www.europarl.europa.eu/brexit-steering-group/en/home.html>  
   
Government of the UK  
<https://www.gov.uk/government/brexit>  
   
Links to the national brexit web page of the EU member states  
<https://ec.europa.eu/info/brexit/brexit-preparedness/national-brexit-information-member-states_en>