

*The purpose of this note is to highlight the difficulty of establishing an exhaustive and agreed upon list of cultural goods and services. There is no definition of culture that would enable the establishment of such a list. Furthermore, no harmonisation has been undertaken in the matter on an international level. A listing of cultural goods and services must thus draw from existing international or regional statistical frameworks, as well as from international classifications. Nonetheless, these frameworks and classifications do not offer definitive and constructive results that respond to the context presented by the preliminary draft of the Convention on the protection of the diversity of cultural contents and artistic expressions. This is why it was necessary to establish a list in the preliminary draft of the Convention, a list which draws from different frameworks and statistical classifications of international organisations. This list is based on the UNESCO Framework for cultural statistics (FCS), which identifies the main categories of cultural goods and services. The goods and services are broken down within each broad category and their value chain is analysed: from creation, to production, distribution, diffusion and end-use.*

### 1 - Cultural statistics frameworks

There are no lists of cultural goods and services that have been established at an international level. How can one go about establishing such a list? Should the focus be on creative industries, cultural industries or the concept of copyright and intellectual property? The existing statistical classifications related to culture, such as UNESCO's Framework for cultural statistics, help define the notion of cultural goods and services. Some cultural statistics work undertaken by regional organisations such as EUROSTAT or by certain countries can also be useful for defining the idea of cultural goods and services. Nonetheless, these lists present some limitations when they are placed in the context of the preliminary draft of the Convention.

#### 1.1- UNESCO's Framework for Cultural Statistics

The ten categories of UNESCO's framework for cultural statistics come from work undertaken by UNESCO Division of Statistics in the 1980s. These categories have not been revised since and thus do not incorporate the rapid development of new technologies that has occurred in the past decades, which means that they do not cover all cultural goods and services. Nonetheless, the framework can serve as a base, and it continues to be a reference for much statistical framework work undertaken on a regional or national level.

CATEGORY	FRAMEWORK FOR CULTURAL STATISTICS
<b>0</b>	<b>Cultural Heritage</b>
0.1	Historical Monuments
0.2	Archeological Heritage
0.3	Museological Heritage
0.4	Archival Heritage
0.5	Other Forms of Cultural Heritage
<b>1</b>	<b>Printed Matter and Literature</b>
1.1	Books and Pamphlets
1.2	Newspapers and Periodicals
1.3	Library Services
<b>2 and 3</b>	<b>Music and the Performing Arts</b>
2.1	Live Music
2.2	Music Theatre
3.1	Drama theatre
3.2	Dance
3.3	Other Performing Arts (Circus, Pantomime, etc.)
2/3	Common issues of which Audio and Audiovisual Records
<b>4</b>	<b>Visual Arts</b>
Group A 4.1	Painting
4.2	Sculpture
4.3	Graphic Arts
4.4	Art Handicrafts

4.5	Other Forms of Visual Arts
Group B 4.6	Photography
4.6.1	Creative- Artistic Photography
4.6.2	Other Photography
<b>5</b>	<b>Audio and Audiovisual Media</b>
5	Cinema and Photography*
5.1	Cinema
5.2	Photography*
<b>6</b>	<b>Radio and television</b>
6.1	Radio
6.2	Television
5/6	Video
<b>7</b>	<b>Socio- Cultural Activities</b>
7.1	Associative Life
7.2	Multipurpose sociocultural facilities
7.3	Socio-Cultural Practices
7.3.1	Individual Practices
7.3.2	Family Life
7.3.3	Community Life
7.4	Intercategory Data
<b>8</b>	<b>Sports and Games</b>
<b>9</b>	<b>Environment and Nature</b>
9.1	Natural Environment
9.2	Urban environment (Quality of Life in the Urban Setting)

\* Photography is assimilated with Visual Arts – Category 4

## 1.2- National Frameworks for Cultural Statistics

In general, each country adopts its own framework for cultural statistics adapted to its specific needs. These national statistical frameworks delimit and define the notion of cultural goods and services. UNESCO's typology still serves as a reference upon which the national frameworks base themselves, whilst also establishing their own limits specifying what sectors will be excluded or not. This makes it all the more difficult to establish an exhaustive and agreed upon list of cultural goods and services. Some examples are presented below:

**New Zealand's Cultural Framework** (1995) respects UNESCO's typology, but creates a separate category for Maori culture. This category was created so as to better track data on the means of communication, transmission and preservation of Maori culture

**Canada** has just completed its new framework for cultural statistics for the Canadian model. This framework differentiates itself from the UNESCO model by excluding categories such as the environment, sports, technology and leisure.

**Australia** has adopted the Australian classification of leisure and culture (AACL) that is composed of three nomenclatures (industry, employment and products – that is, goods and services).

**France** has a very complete framework for the collection and analysis of cultural statistics through the Ministry of Culture and Communication.

**Japan** has a very large system of cultural statistics, founded on the UNESCO model and adapted to the country's context.

## 2- Lists from international classifications

International frameworks for cultural statistics are based on listings by product or by activity which are then used to establish a list of cultural goods and services. The international, regional or national classifications of products are thus used to extract the list of cultural goods and services. Among the statistical work undertaken by international organisations, the reference lists established by the United Nations Statistical Division (UNSD) or other organisations relate either to economic activities or to products: for instance, the Central Product Classification (CPC) and the Standard International Trade Classification (SITC). There also exist other systems of classifications apart from the above nomenclatures, one of which is the Harmonised System developed by the World Customs Organization.

### 2.1- Central Product Classification (CPC)

The CPC covers goods and services. It is based on the physical characteristics of the goods or on the nature of the services. It is above all useful for measuring national production. In the CPC 1.1 version, in the goods section, only the categories related to books and newspapers have distinct categories. The other cultural categories appear in the category "Other manufactured products". (See below.)

<b>322</b>	<b>Books, brochures and leaflets (except advertising material) printed, printed maps; music, printed or in manuscript</b>
32210	Printed books, brochures, leaflets and similar printed matter, in single sheets, other than advertising material
32220	Dictionaries and encyclopaedias, and serial instalments thereof
32230	Printed books (except dictionaries and encyclopaedias and serial installments thereof), brochures, leaflets and similar printed matter, other than advertising material, not in single sheets; children's picture, drawing or colouring books
32240	Atlases and other books of maps or charts
32250	Maps and hydrographic or similar charts (including wall maps, topographical plans and globes), printed, other than in book-form
32260	Music, printed or in manuscript
32300	Newspapers, journals and periodicals, appearing at least four times a week
32400	Newspapers, journals and periodicals, appearing less than four times a week
<b>389</b>	<b>Other manufactured articles n.e.c.</b>
38960	Paintings, drawings and pastels; original engravings, prints and lithographs; original sculptures and statuary, in any material; postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery (stamped paper) and the like; collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, ethnographic or numismatic interest; antiques

3850	Video games of a kind used with a television receiver
47520	Records, tapes and other recorded media for sound or other similarly recorded phenomena (except cinematographic film and cards with magnetic stripe); packaged computer software

CPC is primarily used to define the list of services, and it proposes an exhaustive listing of cultural services. The majority falls under section 9.

<b>9</b>	<b>Community, social and personal services</b> <i>This section has several divisions, one of which</i>
<b>96</b>	<b>Recreational, cultural and sporting services</b> <i>This subgrouping is divided into</i>
<b>961</b>	<b>Audiovisual and related services</b>
<b>962</b>	<b>Performing arts and other live entertainment event presentation and promotion services</b>
<b>963</b>	<b>Services of performing and other artists</b>
<b>964</b>	<b>Museum and preservation services</b>
<b>965</b>	<b>Sports and recreational sports services</b>
<b>966</b>	<b>Services of athletes and related support services</b>
<b>967</b>	<b>Other amusement and recreational services</b>

As an example, the group 961 of audiovisual and related services is broken down in the following groups and sub-groupings

<b>961</b>	<b>Audiovisual and related services</b>
<b>9611</b>	<b>Sound recording and audio post production services</b>
96111	Sound recording services
96112	Audio post production services
<b>9612</b>	<b>Motion picture, video tape, television and radio programme production services</b>
96121	Motion picture, video tape and television programme production services
96122	Radio programme production services
<b>9613</b>	<b>Audiovisual production support services</b>
96130	Audiovisual production support services
<b>9614</b>	<b>Services related to the production of motion pictures, video tapes, and television and radio programmes</b>
96141	Motion picture, video tape and television programme distribution services
96142	Film and video post production services
96149	Other services related to the production of motion pictures, video tapes and television and radio programmes
<b>9615</b>	<b>Motion picture and video tape projection services</b>
96151	Motion picture projection services
96152	Video tape projection services
<b>9616</b>	<b>Broadcasting (programming and scheduling) services</b>
96160	Broadcasting (programming and scheduling) services

## 2.2- Classification by goods (SITC and HS)

Two major international classifications are used to classify trade in goods. The CTCI, which is updated by the UNSD, for a longtime served as a reference. Currently, the majority of declared merchandise uses the Harmonised System. Goods are classified according to their observed physical characteristics and not according to the industry of origin, the cultural value, the amount of national content or any other such criteria.

### 2.2.1- The Standard International Trade Classification System (SITC)

This classification system presents data on, amongst others things, the materials used during production, the process of production as well the end use of the product on the market and thus allows one to the measure the level of cross-border trade in commodities on a world-scale. Based on the principal categories in UNESCO's framework for cultural statistics, the following goods have been listed in the SITC classification.

<b>Printed Matter &amp; Literature</b>
Books
Newspapers & Periodicals
Other Printed Matter
<b>Music</b>
Sound Players & Reproducers
Sound Recordings & Media
Musical Instruments
<b>Visual Arts</b>
Paintings, Drawings & Pastels
Original Engravings, Prints & Lithographs
Original Sculptures & Statuary

Stamps, Coins, Jewellery & Antiques
<b>Cinema &amp; Photography</b>
Photographic Cameras
Cinematographic Cameras Projectors
Photographic & Cinematographic Supplies
<b>Television &amp; Radio</b>
Television Broadcast Receivers
Radio Broadcast Receivers
<b>Games &amp; Sporting Goods</b>
Games
Sporting Goods

The most recent revision of SITC, Revision 3 dating from 1988, the classification does not take into account the evolution of new technologies. A new revision cycle has just been launched and should produce a Revision 4 by 2007.

### 2.2.2- The Harmonised System Commodity Description and Coding System

The nomenclature of the Harmonised System is structured according to activity or the composing material. This classification system is more detailed than the SITC and is developed by the World Customs Organization, who revises the system every 4 to 5 years. The classification uses the same cultural categories as the SITC but in a more detailed manner. In the 2002 version, new technologies, such as laser discs or software programs, were better incorporated in the classification. These classifications, though based on the physical characteristics of goods, can serve as a starting point for establishing a list of goods, but they still need to be supplemented.

### 2.2- Classification by service

For the measurement of cultural services, it is useful to take note of classification systems that measure the transactions of one economy with the rest of the world, systems whose data is based on the balance of payments.

#### - Classification of balance of payments transactions

Statistics on services are generally collected following the classification of balance of payments transactions (BPM5) of the International Monetary Fund (IMF). Cultural services are listed in two categories: "Audiovisual and other services" and "Personal, culture and leisure services". However, it is difficult separating health services and education services from cultural and leisure services.

#### - The Extended Balance of Payments Services Classification (EBOPS)

This system covers the cultural services in a more detailed manner, separating health services, education services and cultural and leisure services.

<b>1</b>	<b>Communications services</b>
<b>2</b>	<b>Computer and information services</b>
<b>3</b>	<b>Royalties and license fees</b>
<b>4</b>	<b>Other business services</b>
<b>5</b>	<b>Personal, cultural, and recreational services</b>
<b>10.1</b>	Audiovisual and related services <b>comprises services and associated fees related to the production of motion pictures (on film or videotape), radio and television programs (live or on tape) and musical recordings. Included are receipts or payments for rentals; fees received by resident actors, producers etc. for productions abroad (or by non-residents for work carried out in the compiling economy); fees for distribution rights sold to the media for a limited number of showings in specified areas; and access to encrypted television channels (such as cable services). Fees to actors, directors and producers involved with theatrical and musical productions, sporting events, circuses and other similar events and fees for distribution rights (for television, radio, and film) for these activities are included. Excluded are purchases and sales of films, television and radio programs, recorded music, musical compositions and manuscripts, and the rights to these (because purchases and sales of merchandise and assets are not within the scope of EBOPS). Also excluded are the sale of rights for video editions of films and television programmes.<sup>56</sup> Purchases and sales of rights should be included in the memorandum item audiovisual transactions.</b>

<b>10.2</b>	<b>Other personal, cultural and recreational services</b> include such services as those associated with museums, libraries, archives and other cultural, sporting and recreational activities. Two separate subcomponents, beyond the detail recommended in BPM5, should be identified here for GATS purposes. These are the provision of <i>education services</i> and of <i>health services</i> .
<b>10.2.3</b>	<b>Other</b>

However, for now, few data exist at this level of detail. Only some OECD countries are capable of providing this detail.

## 2.4- Classification by type of activity

Cultural goods and services generally originate from cultural industries, and thus to establish a list, it can be useful to refer to the existing classifications by activity.

The International Standard Industrial Classification of all Economic Activities (ISIC) is in the process of being revised and the 2007 version will present a distinct category for communications industries, under which the majority of cultural services will be listed. The 2007 ISIC follows the structure of the North American Industry Classification System (NAICS). There is a multitude of regional classifications, such as NACE for EUROSTAT or ANZSIC, the Australian and New Zealander classification, which all propose their own models.

## 3- Lists from international trade agreements

By-sector classifications of services were implemented during the World Trade Organisation (WTO) negotiations on services and these have been incorporated in international trade agreements. Several free trade agreements include a list though it is related to cultural industries.

### 3.1- WTO by-sector classification of services

During negotiations on services in the early 1990s, the GATT secretariat established in a note a by-sector classification of services that resulted from consultations amongst member countries. This classification can be found in the document MTN.GNS/W/120 of 10 July 1991. The list is comprised of 12 sectors and 55 sub-sectors. Amongst the sectors, there is one for communication services (2) and one for recreational, cultural and sport services (other than audiovisual services) (10).

<b>2</b>	<b>Communication Services</b>
<b>a</b>	Motion picture and video tape production and distribution services 9611
<b>b</b>	Motion picture projection services 9612
<b>c</b>	Radio and television services 9613
<b>d</b>	Radio and television services 7524
<b>e</b>	Sound recording n.a.
<b>f</b>	Other

<b>10</b>	<b>Recreational, Cultural and Sporting Services (other than audiovisual services)</b>
<b>A</b>	Entertainment services (including theatre, live bands and circus 9619
<b>B</b>	News agencies services 962
<b>C</b>	Libraries, archives, museums and other cultural services 963
<b>D</b>	Sporting and other recreational services 964
<b>E</b>	Other

The number mentioned after each category heading refers to the UN statistics CPC classification of products.

### 3.2- The definition of cultural industries in certain bilateral and regional agreements

Although there are no trade agreements that comprise a list of cultural goods and services, several agreements include a definition of cultural industries taken from the definition given in the North American Free Trade Agreement (NAFTA). Examples are the Chili/Canada agreement (1996), the Israel/Canada agreement (1997) and the Canada/Costa Rica agreement (2002). The NAFTA definition of cultural industries is found in article 2107 of the agreement. It specifies:

"For purposes of this Chapter:

**cultural industries** means persons engaged in any of the following activities:

- (a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;
- (b) the production, distribution, sale or exhibition of film or video recordings;
- (c) the production, distribution, sale or exhibition of audio or video music recordings;
- (d) the publication, distribution or sale of music in print or machine readable form; or
- (e) radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services;"

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