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ADMINISTRATIVE AND LEGAL PROTECTION OF INTANGIBLE CULTURAL HERITAGE IN THE COUNTRIES OF THE EUROPEAN UNION

The article addresses the issue of administrative and legal protection of intangible cultural heritage in the European Union countries, which is of great importance for preserving the cultural diversity and identity of European peoples. The author analyzes key legislative acts and initiatives aimed at safeguarding and promoting intangible cultural heritage at both national and international levels, particularly based on the provisions of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. Special attention is given to the role of local communities in preserving and transmitting cultural traditions, as well as to the mechanisms of international cooperation that facilitate the exchange of experience among EU member states.

The article also explores the challenges faced by EU countries in implementing the administrative and legal protection of intangible cultural heritage. These challenges include globalization, armed conflicts, climate change, and the disappearance of certain communities. The author emphasizes the need to strengthen existing legal mechanisms and develop new strategies for the effective protection of cultural heritage. The study highlights the significance of involving local communities in the decision-making process related to the protection of intangible

cultural heritage and the importance of raising public awareness about its preservation.

Furthermore, the author focuses on the fact that the experience of EU countries in the field of administrative and legal protection of intangible cultural heritage is of particular importance for Ukraine, which is striving for integration with the European Union. The article offers recommendations for adapting successful EU practices to Ukrainian realities, which will contribute to the improvement of national mechanisms for cultural heritage protection. The author notes that the protection of intangible cultural heritage is not only a matter of preserving the past but also an essential element in building a shared future based on respect for cultural diversity and the collective memory of humanity.

Thus, the article makes a significant contribution to understanding the importance of administrative and legal protection of intangible cultural heritage in the context of European integration, emphasizing the need to strengthen international cooperation, raise public awareness, and engage all stakeholders in the process of cultural heritage

preservation.

Key words: administrative and legal protection, intangible cultural heritage, European Union, legal frameworks, cultural diversity, preservation of traditions, international cooperation, Ukraine's integration, UNESCO, protection of cultural heritage.

Андрій Фальковський. АДМІНІСТРАТИВНО-ПРАВОВИЙ ЗАХИСТ НЕМАТЕРІАЛЬНОЇ КУЛЬТУРНОЇ СПАДЩИНИ В КРАЇНАХ ЄВРОПЕЙСЬКОГО СОЮЗУ

Y статті розглядається проблема адміністративно-правового захисту нематеріальної культурної спадщини в країнах Європейського Союзу, що має важливе значення бля збереження культурного різноманіття та ідентичності європейських народів. Автор аналізує ключові законодавчі акти та ініціативи, спрямовані на збереження та популяризацію нематеріальної культурної спадщини на національному та міжнародному рівнях, зокрема, на основі положень Конвенції ЮНЕСКО про охорону нематеріальної культурної спадщини. Особлива увага приділяється аналізу ролі місцевих громад у збереженні та передачі культурних традицій, а також механізмам міжнародного співробітництва, що сприяють обміну досвідом між країнами-членами ЄС.

Y статті також розглядаються виклики, з якими стикаються країни ${\it {\it EC}}$ y процесі реалізації адміністративно-правового захисту нематеріальної культурної спадщини. Зокрема, це глобалізація, збройні конфлікти, зміни клімату та зникнення окремих громад. Автор наголошує на необхідності зміцнення існуючих правових механізмів та розробки нових стратегій для ефективного захисту культурної спадщини. Дослідження підкреслює значення участі місцевих громад у процесі прийняття рішень, пов'язаних із захистом нематеріальної культурної спадщини, а також важливість підвищення обізнаності суспільства шодо її збереження.

Крім того, автор акцентує увагу на тому, що досвід країн ЄС у сфері адміністративно-правового захисту нематеріальної культурної спадщини має особливе значення для України, яка прагне інтеграції з Європейським Союзом. У статті пропонуються рекомендації щодо адаптації успішних законодавчих новел ЕС до українських реалій, що сприятиме вдосконаленню національних механізмів охорони культурної спадщини. Aвтор зазнача ϵ , що захист нематеріальної культурної спадщини ϵ не тільки питанням збереження минулого, але й важливим елементом побудови спільного майбутнього, заснованого на повазі до культурного різноманіття та колективної пам'яті людства.

Таким чином, стаття робить вагомий внесок у розуміння важливості адміністративно-правового захисту нематеріальної культурної спадщини в контексті європейської інтеграції, підкреслюючи необхідність зміцнення міжнародного співробітництва, підвищення суспільної обізнаності та залучення всіх зацікавлених сторін до процесу збереження культурної спадщини.

Ключові слова: адміністративно-правовий захист, нематеріальна культурна спадщина, Європейський Союз, правові рамки, культурне різноманіття, збереження традицій, міжнародне співробітництво,

інтеграція України, ЮНЕСКО, охорона культурної спадщини.

Statement of the problem. The successful integration of European Union countries in the field of cultural policy underscores the importance of harmonizing administrative and legal measures for the protection of intangible cultural heritage. In the context of the common market and the free movement of people, goods, and services, ensuring the proper protection of national cultural values requires coordinated actions at the EU level. This not only protects heritage from loss or distortion but also promotes its development and popularization among member states. A key component of this process is the administrative and legal protection, which ensures the effective implementation of EU policies through the development of legal instruments, control and oversight mechanisms, and support programs.

The importance of studying the administrative and legal protection of intangible cultural heritage for Ukraine cannot be overstated, especially in the context of integration processes with the European Union. Studying the experience of EU countries allows not only to adopt successful practices but also to adapt them to Ukrainian realities. Ukraine, with its rich cultural heritage, needs to improve its administrative and legal mechanisms for heritage protection, which can be achieved through the analysis of European experience and the implementation of relevant administrative reforms. Thus, this research not only highlights the importance of the issue but also contributes to the creation of an effective model for cultural heritage protection in Ukraine.

Analysis of scientific research. Various aspects of the mentioned issue have been explored in contemporary legal discourse, particularly in the works of Ukrainian scholars such as Katkova T. H., Kot S. I., Mazur T. V., Melnychuk O. I., Nadyrova O. V., and Ptukha S. S. However, the issue of administrative and legal protection of intangible cultural heritage in the European Union countries remains an under-researched aspect of this topic.

The aim of this article is to explore the features of the administrative and legal framework for the protection of intangible cultural heritage in EU countries. The study examines key legislative acts and initiatives aimed at safeguarding and promoting intangible cultural heritage at both national and international levels. Special

attention is given to analyzing the role of local communities and international cooperation in preserving cultural diversity. The article also addresses the challenges faced by EU countries in this area and the prospects for improving existing legal mechanisms.

Presentation of the main material. The legislative framework of the European Union regarding intangible cultural heritage primarily based on the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage [18]. This convention, ratified by almost all EU member states, defines intangible cultural heritage as «the practices, representations, expressions, knowledge, and skills – as well as the instruments, objects, artifacts, and cultural spaces associated therewith – that communities, groups, and, where appropriate, individuals recognize as part of their cultural heritage».

Additionally, the EU has adopted several directives that impact the administrative and legal protection of intangible cultural heritage. Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State establishes rules for the return of cultural objects stolen during World War II [5]. Directive 2004/48/EC on the enforcement of intellectual property rights is aimed at protecting rights that may be associated with intangible cultural heritage [4].

Furthermore, the EU has established frameworks for funding projects related to the protection and promotion of intangible cultural heritage. The «Creative Europe» program, managed by the European Commission, offers grants to support such projects [3].

EU countries approach the administrative and legal protection of intangible cultural heritage differently. Some jurisdictions have specific laws dedicated to this, while others have incorporated the protection of intangible heritage into their general cultural heritage legislation.

In Italy, for example, Law No. 137/2002 establishes the administrative and legal framework for the protection of intangible cultural heritage [12]. This law lists various forms of intangible cultural heritage and provides for measures to protect them, such as the registration and documentation of these elements. In Spain, Law 10/2015 on Intangible Cultural Heritage creates a national registry of

intangible cultural heritage elements and provides mechanisms for their protection, promotion, and transmission [7]. This law also recognizes the role of local communities in preserving and transmitting their intangible cultural heritage. In France, Law No. 2016-925 on the Freedom of Creation, Architecture, and Heritage recognizes intangible cultural heritage as a component of national cultural heritage [9]. This law provides for measures to protect, promote, and transmit intangible cultural heritage, as well as for the participation of interested communities in decision-making processes.

Finally, in Ireland, the Cultural Heritage Act of 2018 establishes the framework for the administrative and legal protection of intangible cultural heritage [10]. This law provides for the creation of a national registry of intangible cultural heritage elements and the implementation of measures for the protection and promotion of these elements, as well as for encouraging their transmission to future generations.

The administrative and legal protection of intangible cultural heritage is a crucial issue for European Union countries that seek to preserve and promote their cultural identity. The EU's legislative framework, largely based on the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, provides a foundation for the protection of this heritage. National approaches may vary depending on the legal and cultural traditions of each country, but they all aim at the protection, development, and transmission of intangible cultural heritage to future generations.

Despite efforts to ensure the administrative and legal protection of intangible cultural heritage, it remains vulnerable to many factors, including globalization, armed conflicts, climate change, and the disappearance of certain communities. Therefore, it is important to continue strengthening existing protection mechanisms and developing new strategies to safeguard this heritage.

In this context, the EU has launched a project to compile a list of intangible cultural heritage elements that require urgent attention [17]. This list, which will be updated every two years, will highlight intangible cultural heritage elements most at risk and mobilize the resources necessary for their protection. Additionally, the EU is working to enhance cooperation among member states regarding the administrative and legal protection of intangible cultural heritage. The European Intangible Cultural Heritage Platform, established in 2019, aims to promote the exchange of best practices among member states and strengthen coordination among the various stakeholders involved in the protection of intangible cultural heritage [15].

Finally, it is important to emphasize the crucial role of local communities in preserving and transmitting intangible cultural heritage. Communities are the custodians of this heritage, and their involvement is critical to maintaining their cultural identity. Therefore, it is essential to encourage the participation of local communities in decision-making processes regarding the administrative and legal protection of intangible cultural heritage, as well as to continue strengthening existing protection mechanisms, developing new strategies, and engaging communities in the preservation and transmission of this heritage.

It is also important to note that the protection of intangible cultural heritage should not be limited to legal aspects. Raising public awareness about the importance of this heritage and the need for its protection is equally important. Awareness-raising activities can take various forms, such as communication campaigns, exhibitions, or cultural events that highlight elements of intangible cultural heritage. Such actions help strengthen the commitment of local communities to their intangible cultural heritage and mobilize society as a whole for its protection.

Finally, the administrative and legal protection of intangible cultural heritage should not be viewed as an isolated issue. Indeed, it is closely linked to other challenges such as sustainable development, cultural diversity, and human rights. Thus, the protection of intangible cultural heritage contributes to strengthening the cultural identity of local communities, promoting cultural diversity, and preserving traditional knowledge and practices.

Establishing a common legislative framework, creating a list of elements that require urgent attention, and strengthening cooperation among member states are all important measures for protecting this heritage. However, it is also important to raise public awareness about the significance of this heritage, encourage the active participation of local communities, and view the protection of intangible cultural heritage as an integral part of the challenges of sustainable development, cultural diversity, and respect for human rights.

It is also crucial to emphasize that the protection of intangible cultural heritage should not be seen as the sole responsibility of governments or public institutions. Businesses, civil society organizations, and individuals can also play a significant role in preserving and transmitting intangible cultural heritage.

Civil society organizations can encourage the participation of local communities and raise public awareness about the challenges of protecting intangible cultural heritage. Finally, individuals can contribute to the preservation of intangible cultural heritage by passing down traditions to their children and participating in local activities that support and strengthen intangible cultural heritage.

The measures taken by member states for the administrative and legal protection of intangible cultural heritage, such as establishing a common legislative framework and compiling a list of elements requiring urgent attention, are critically important. However, it is equally important to raise public awareness about the significance of this heritage, encourage the participation of local communities, and view its protection as a shared responsibility of governments, companies, civil society organizations, and individuals. Only through collective efforts can we preserve and transmit this heritage to future generations.

Moreover, it is crucial to emphasize that the protection of intangible cultural heritage should not be limited to the national or regional level. International cooperation is a vital component of safeguarding this heritage. UNESCO, for example, has established a mechanism for recognizing elements of intangible cultural heritage that require urgent safeguarding, allowing member states to seek international assistance for the preservation of these elements [19].

The EU has also implemented international cooperation programs for the protection of intangible cultural heritage. The European «Cultural Heritage» program supports cooperation between EU member states and third countries to safeguard intangible cultural heritage [16]. Additionally, the EU collaborates with UNESCO to promote the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage on a global scale.

Finally, it is essential to highlight that the protection of intangible cultural heritage must also consider the challenges posed by digitization. Digitization can offer new opportunities for the preservation and transmission of intangible cultural heritage, but it can also create issues related to the protection of intellectual property rights and respect for local traditions. Therefore, it is crucial to develop strategies for the responsible digitization of intangible cultural heritage that take into account intellectual property concerns and the protection of local traditions.

The protection of intangible cultural heritage requires a global and coordinated approach. The measures taken by member states for the administrative and legal protection of this heritage, as well as international cooperation and consideration of the challenges of digitization, are important for its preservation and transmission

to future generations. Elements of intangible cultural heritage, such as traditional skills, agricultural practices, or culinary traditions, can play a significant role in promoting sustainable economic development. They can help create local jobs, enhance cultural identity, and preserve the environment.

Promoting cultural diversity is also an important goal of sustainable development, which can be achieved through the administrative and legal protection of intangible cultural heritage. Cultural diversity is essential for promoting intercultural dialogue, mutual understanding, and tolerance, as well as for preserving the cultural richness of our world.

The legal protection of intangible cultural heritage must be closely linked to the goals of sustainable development. The preservation and transmission of intangible cultural heritage contribute to achieving many sustainable development goals, such as poverty reduction, quality education, promoting cultural diversity, and combating climate change. Therefore, it is crucial to consider the protection of intangible cultural heritage as an integral part of sustainable development policies. The administrative and legal protection of intangible cultural heritage must also consider the challenges posed by globalization. Indeed, globalization can lead to the homogenization of cultures and threaten cultural diversity and the preservation of intangible cultural heritage.

However, globalization can also create opportunities for the promotion and preservation of intangible cultural heritage. New technologies and social media can facilitate the dissemination and transmission of traditions and knowledge while providing a platform for the promotion and strengthening of intangible cultural heritage. Therefore, it is important to develop strategies to promote cultural diversity and the administrative and legal protection of intangible cultural heritage in the context of globalization. European Union member states can work together to develop policies and initiatives to promote cultural diversity and protect intangible cultural heritage in the context of globalization.

It is important to emphasize that the administrative and legal protection of intangible cultural heritage is also closely linked to issues of peace and security. Cultural diversity and the preservation of intangible cultural heritage can contribute to conflict prevention and peacebuilding by promoting intercultural dialogue, mutual understanding, and tolerance. Moreover, the deliberate destruction of intangible cultural heritage, such as the destruction carried out by terrorist groups in certain regions of the

world, poses a threat to international security and the preservation of humanity's collective memory. Thus, the administrative and legal protection of intangible cultural heritage is not only a matter of preserving cultural diversity but also a matter of international security. Therefore, it is important for European Union member states to collaborate on the protection of intangible cultural heritage worldwide. This can be achieved through international cooperation, the creation of educational and awareness programs, and the promotion of policies to preserve cultural diversity.

The administrative and legal protection of intangible cultural heritage is an extremely important issue for the European Union countries, and it must be addressed in a global context, taking into account the challenges of peace and security. Measures taken to protect intangible cultural heritage, such as creating a common legislative framework, international cooperation, and promoting cultural diversity, are key to its preservation and transmission to future generations. This requires the involvement of all stakeholders, including states, civil society organizations, businesses, and individuals. Thus, the protection of intangible cultural heritage is not only a matter of preserving the past but also of building a shared future based on respect for cultural diversity and the collective memory of humanity.

The administrative and legal protection of intangible cultural heritage is a critically important issue for the European Union countries, which must be addressed in a global context and with consideration of the many challenges associated with it. Member states must cooperate to establish a common legislative framework, promote international cooperation, support cultural diversity, sustainable development, international security, and collective responsibility.

In addition to legal protection, it is important to raise public awareness about the significance of intangible cultural heritage and encourage the active participation of local communities in its preservation and transmission. Companies, civil society organizations, and individuals also play an important role in preserving and transmitting intangible cultural heritage.

The administrative and legal protection of intangible cultural heritage is a pressing issue for European Union countries that have already implemented measures for its preservation and transmission. The legislation of the European Union includes several legal instruments for the protection of intangible cultural heritage, such as the Faro Convention, adopted in 2005 and ratified by several member states [14]. The Faro

Convention recognizes the value of intangible cultural heritage and encourages member states to take measures for its protection, promotion, and transmission.

The member states of the European Union have also established national legislative frameworks for the administrative and legal protection of intangible cultural heritage. For example, France adopted the Law of February 27, 2002, on Local Democracy, which recognizes the value of intangible cultural heritage and establishes a national inventory of intangible cultural heritage [8]. Spain has also enacted legislation to protect intangible cultural heritage, including the Law of December 6, 2011, on the Protection of Intangible Cultural Heritage [11].

In addition, EU member states have implemented programs and initiatives to protect intangible cultural heritage. For example, Germany has established the German Center for Intangible Cultural Heritage, which works closely with local communities to preserve and transmit intangible cultural heritage [2]. Greece has also launched a program to promote intangible cultural heritage, encouraging active participation of local communities in its preservation and transmission [13].

International cooperation is also a key component in safeguarding intangible cultural heritage. The member states of the European Union collaborate with international organizations such as UNESCO to promote the Convention for the Safeguarding of the Intangible Cultural Heritage worldwide. The European Union has also developed international cooperation programs, such as the European «Cultural Heritage» program, to protect intangible cultural heritage [16].

In conclusion, the administrative and legal protection of intangible cultural heritage is a critically important issue for the European Union countries, which have already implemented measures for its preservation and transmission. The legal instruments of the European Union, as well as national legislative frameworks, programs, and international cooperation initiatives, play a crucial role in protecting intangible cultural heritage. Cooperation among EU member states, international organizations, local communities, businesses, and individuals is also essential for the preservation and transmission of this heritage.

The importance of the Council of Europe's Framework Convention on the Value of Cultural Heritage for Society should also not be underestimated. The administrative and legal protection of intangible cultural heritage is a pressing issue for the European Union countries, which have already implemented measures for its preservation and transmission. The legislation

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In Germany, the 2013 Law on the Protection of Intangible Cultural Heritage established a national register of intangible cultural heritage and created an advisory committee for the protection and promotion of intangible cultural heritage [6]. Similar national legislative frameworks help strengthen the administrative and legal protection of intangible cultural heritage within each country.

In addition, the member states of the European Union have implemented various programs and

initiatives for the administrative and legal protection of intangible cultural heritage. For example, Germany has established the German Center for Intangible Cultural Heritage, which actively collaborates with local communities to preserve and transmit intangible cultural heritage [2]. Greece has also introduced a program to promote intangible cultural heritage, encouraging active participation of local communities in its preservation and transmission [13].

International cooperation is also a key element in safeguarding intangible cultural heritage. The member states of the European Union collaborate with international organizations such as UNESCO to promote the Convention for the Safeguarding of the Intangible Cultural Heritage worldwide. The European Union has also launched international cooperation programs, such as the European «Cultural Heritage» program, aimed at preserving intangible cultural heritage [30].

In addition to national laws and the legal instruments of the European Union, there are also civil society initiatives aimed at protecting intangible cultural heritage. For example, the European Association for the Safeguarding of Intangible Cultural Heritage works to promote the Faro Convention and protect intangible cultural heritage across Europe [1].

Conclusions. The administrative and legal protection of intangible cultural heritage is a critically important issue for the European Union countries that have implemented measures for its preservation and transmission. The legal instruments of the European Union, national legislative frameworks, as well as international cooperation programs and initiatives, play a key role in protecting intangible cultural heritage. Cooperation among EU member states, international organizations, local communities, businesses, and individuals is also essential for the preservation and transmission of this heritage.

Thus, the protection of intangible cultural heritage can be effectively ensured only if approached within a global and interdisciplinary framework. The issues related to the preservation and transmission of intangible cultural heritage are numerous and complex, ranging from the preservation of cultural diversity and the cultural identity of communities to the promotion of sustainable development and the maintenance of international security.

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