EU Cultural Policy 1974-2007

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ABSTRACT

The development of EU cultural policy has been characterised by a high degree of continuity. The objectives underlying present-day policy actions can be traced back to historical roots that date back to the mid-1970s. Since the first cultural actions were taken, EU cultural policy has had multiple objectives. Involvement in the cultural field has been justified on the basis of economic, social, political and, to a certain extent, cultural arguments. Although there have been shifts in accents and priorities, these various justifications can be found to co-exist throughout the process. In more recent times, the contribution of cultural actions to the emergence of European citizenship has emerged as a more dominant theme. Although peaks in expansion can be seen, Community involvement in the cultural field has overall developed through a slow process of developments and adjustments through relatively small-scale actions. As the Member States have retained much of their control over this area, policy development has been restricted to a limited range of actions for which only a narrow budget has been available. Given the dominance of the subsidiarity principle in all Community actions in the cultural field, the main policy mode has by necessity been one of consensus-seeking between actors with at times conflicting interests. However, over time the main priorities of all actors have become more or less aligned, so that the continuity of policy appears to be safeguarded. Recent developments suggest that culture has gradually come to take up a more prominent role within EU policies. However, consensus will continue to dominate the general approach as far as the development of Community actions is concerned.

AUTHOR'S DECLARATION

This thesis represents the original work of Floris Langen unless explicitly stated otherwise in the text. The research upon which it is based was carried out at the University of Glasgow from October 2005 until April 2010, under the supervision of Professor Adrienne Scullion, Professor Philip Schlesinger (since January 2007) and Dr Beatriz García (between October 2005 and April 2006).

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LIST OF ACRONYMS AND ABBREVIATIONS

AEC	European Association of Conservatoires
Bull. EC	Bulletin of the European Communities
CCP	Cultural Contact Point
CEC	Commission of the European Communities
COE	Council of Europe
COM	Commission document
COR	Committee of the Regions
COREPER	Committee of Permanent Representatives
DG	Directorate General
DG EAC	Directorate General for Education and Culture
EACEA	Education, Audiovisual and Culture Executive Agency
EC	European Community
ECF	European Cultural Foundation
ECJ	European Court of Justice
ECOC	European City/Capital of Culture
ECYO	European Community Youth Orchestra
EEA	European Economic Area
EEC	European Economic Community
EESC	European Economic and Social Committee
EFAH	European Forum for the Arts and Heritage
EFTA	European Free Trade Area
EP	European Parliament
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
EUYO	European Union Youth Orchestra
EUBO	European Union Baroque Orchestra
MEP	Member of European Parliament
OJ	Official Journal of the European Communities
OMC	Open Method of Coordination
OOPEC	Office for Official Publications of the European Communities
QMV	Qualified Majority Voting
SEA	Single European Act
TEU	Treaty on the European Union
UNESCO	United Nations Educational, Scientific and Cultural Organisation

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INTRODUCTION

> EU cultural policy seems to be a field that nobody is especially interested in. Not the artists who tend to look with distrust at the European integration process, not national politicians who feel the culture and the arts are a prerogative of the member states, and not even the EU institutions themselves who fear conflicts with national interests. Still, EU cultural policy exists and its impact is growing.[1]

For many reasons the field of culture constitutes a contested and ambiguous policy area. This is the case in many nation-states, but even more significantly so within the European Union. For the Member States and the more autonomous regional authorities culture is a highly sensitive policy area that is central to their national identity. Although some Member States have been found to be more in favour of extending EU involvement in the cultural field than others, the overall approach has been one in which the Member States have retained their sovereignty over cultural policy, something that is perhaps best exemplified by the fact that until the recent adoption of the Lisbon Treaty, culture was one of the few remaining policy areas in the EC column of the European Treaties where the Member States effectively retained their veto power.

Partly because of the reluctance on the part of the Member States to give up their national powers in this area, culture is often regarded as a minor policy area with little importance for the European process. Bache and George for instance have noted that culture is one of the areas where the extension of competence 'did not have major implications for the development of European integration, and [which] consequently […] did not attract a great deal of academic attention or analysis'.[2] Cultural policy rarely features in handbooks analysing the various fields of EU policy-making, and if any reference is made at all it tends to be analysed as a marginal area at best, especially when compared to a related area like audiovisual policy, which has attracted a far greater deal of interest. What is more, even cultural policy studies have so far paid only limited attention to this area.[3]

From the studies that *do* specifically address the topic an image emerges of a highly problematic policy area which has had only very limited outcomes. Most studies reveal how during the 1970s and 1980s, when culture first appeared on the European agenda, action was limited to *ad hoc* actions and pilot projects of with a small scope only, and that although the number of policy actions taken increased after culture was recognised as a specific policy area in the Treaty of Maastricht (1992), the EU's culture budget remained decidedly marginal when compared to the overall EU budget and action continued to be obstructed by national sensitivities.

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[1] Mokre (2003): 1.
[2] Bache & George (2006): 359.
[3] For instance, Miller & Yúdice's cultural policy handbook (2002: 180-182) only spent three pages on the subject.

This perception of culture as a marginal policy area seems, however, to be contradicted by a growing number of references in various official documents and statements by EU policy-makers that emphatically declare culture to be an essential element in the EU process. Such statements often allude to a quote that is generally attributed to Jean Monnet, one of the 'founding fathers' of the European Community. Speaking of the beginning of the European integration process, Monnet is supposed to have said that 'if we were to do it all again we would start with culture'. This line is often cited to illustrate that although European involvement in the cultural field was perhaps not foreseen from the start, it should be regarded as equally important as the economic principles underlying the EU. While this remark has long been revealed to be a myth[4], it is not too difficult to find more credible sources of support for the EU's involvement in the cultural field. Since the 1980s, a growing number of key European politicians have declared culture to be a major concern for Europe. For instance, the former German Federal Chancellor, Helmut Kohl, announced that:

> The Europe that we want is much more than an economic and monetary union – however important this economic and monetary union is. […] I am perfectly convinced […] that emphasis must always be placed also on the cultural dimension of Europe, the mental development of this old continent and its chances for the future. It is therefore very important to keep on underlining this cultural dimension. It is not least the basis of the established system of values of the respect of life, the uniqueness of man, the respect of the dignity of man and the rights of personal liberty.[5]

This statement by Chancellor Kohl in no uncertain terms asserts the importance of culture to the European project. Similar statements can be found in range of official publications, starting in the 1980s right through to the present day. More recently, the president of the European Commission, Barroso, declared that '[t]he questions of what Europe can do for culture, and what culture can do for Europe […] have acquired a new sense of urgency'. Barroso continued by saying that although the words attributed to Monnet were fake, 'as he knew that European integration would have failed if it had not started with the economies and the markets', the cultural dimension of Europe 'can no longer be ignored'.[6]

Such high profile declarations raise the question if perhaps European involvement in the cultural field is of more importance than its relatively low profile within the academic world seems to suggest. This idea is strengthened by the fact that since the early 1990s both the budget and the number of actions developed as part of the EU's cultural policy have been on the increase. Furthermore, recurrent calls for the strengthening of the EU's role in the field of culture have more recently resulted in the adoption of a 'European

[4] It has been pointed out by a number of authors that Monnet never actually made this statement. For instance, Sassatelli (2006: 25) claims that it originates from a remark made in the early 1980s by the French Minister for Culture, Jack Lang, who tried to rally support for action in the cultural field by stating that surely Monnet *would* start from culture, if he were to start again.
[5] Cited in Schelter (1995): 207.
[6] Barroso (2004).

Agenda for Culture' by the Council, an event which many believe might signal the start of a more in-depth European involvement in the cultural field. Although it is still too early to say whether these most recent developments will actually result in culture becoming a major policy area, it does appear that, despite most Member States' initial hesitance to undertake any action in the field, culture has over time grown beyond the status of marginal policy area.

This apparent shift in importance in itself makes EU cultural policy a subject worthy of further investigation. Crucially, it draws attention to the more central question why the EU is involved in culture in the first place. In other words: what are the objectives of EU cultural policy? Existing studies of EU cultural policy have generally identified two different rationales for EU involvement in the cultural field, which can be described as a political and an economic rationale. However, most of these studies draw their conclusions on the basis of an analysis of policy developed throughout the 1980s and the early 1990s, often with a focus on the European Capital of Culture event as the most emblematic representation of EU involvement in the cultural field. However, it cannot simply be assumed that the EU's policy objectives have remained unchanged ever since. Furthermore, there appears to be no clear understanding of the range of actions actually included in EU cultural policy.

There appears to be a gap in the understanding of the development of EU cultural policy in recent years in particular. It is this gap that this study intends to fill. The aim of this study is therefore to supplement existing studies of EU cultural policy objectives with an analysis of more recent policy making. However, as policy does not appear out of nowhere, it is essential to take into account earlier developments as well. To allow for a clear analysis, this study will focus on the development of the objectives of EU cultural policy over time, starting with its beginnings in the 1970s and ending in 2007, the year in which the latest EU action programme for the cultural field was launched. By analysing the policy's stated objectives, their reasons for coming into being, and the underlying assumptions, this study seeks to advance an understanding of the development of EU cultural policy within the context of the changing dynamics of EU policy making and to explore ways in which the EU's involvement in the cultural field might be better understood.

The thesis starts with three conceptual chapters. The first chapter will look at reasons why national governments have been involved in the cultural field, followed by a short review of some of the key literature on the objectives of EU cultural policy. The scope of EU cultural policy will be discussed in Chapter 2. This chapter also addresses some issues of definition concerning the concepts of 'culture', 'policy' and 'EU cultural policy' that are essential to establishing the scope of this study. Chapter 3 then provides the framework for the discussion of the development of the EU's cultural policy in the later chapters. It will establish how the concept of policy is to be understood in the context of this study and will provide some tools with which the EU policy process in general, and the process of EU policy-making in the cultural field in particular, can be understood. The historical development of EU cultural policy will be described in chapters 4, 6, 7 and 8. Chapter 4 discusses the earliest

policy developments in the period 1974 to 1992, from the first actions taken by the Community until the introduction of culture as a specific Community competence in the Treaty of Maastricht. Chapter 5 then takes a brief detour from the historical description in order to analyse the contents and specificities of this new culture article. This chapter will pay specific attention to the objectives contained within the article and how these relate to the general objectives of the Treaty. How this article was used as the basis for further action is then discussed in Chapter 6, which continues the historical narrative started in chapter 4 by discussing the actions undertaken between 1992 and 2000. This chapter will mainly focus on the development of the first two generations of culture programmes. Finally, chapters 7 and 8 bring the narrative up to more recent times, focusing on the policy process that started after the introduction of the Culture 2000 programme and would culminate in the Culture Programme (2007-2013), which was launched at the beginning of 2007.

CHAPTER 1
CULTURAL POLICY OBJECTIVES

This chapter offers a brief assessment of the key literature on EU cultural policy and the objectives underlying this policy. It starts with a general discussion of the multifaceted motivations driving government involvement in the cultural field at the national level, followed by a short review of existing literature on the objectives of cultural policy at the EU level. The purpose of this literature review is to identify the strengths, weaknesses and gaps in what has already been written on the subject. This will serve both as a frame of reference and as a research base on which to build and which will be critiqued later on in this study.

1.1 Motivations for government involvement in the cultural field

Governments can have a variety of reasons for being involved in the cultural field. At its most basic, public support for arts and culture has been legitimised on the grounds 'that art is valuable, and worth paying for, in its own right' and that arts and culture are 'essential elements of a life that is worth living'.[7] Following this intrinsic argument, which can be summed up as 'culture's contribution to public welfare'[8], a government has the responsibility to ensure that its citizens have access to and are able to participate in culture. The idea that artistic expressions have an important value in their own right has been an important justification for government support of the cultural field in many countries. A related argument, which has been used particularly (although not exclusively) to justify public support for less popular or more experimental art forms, holds that cultural expressions are merit goods that have an intrinsic value but 'might not be commercially viable in the cultural market place' and therefore require protection from market failure.[9]

However, as Cummings and Katz have noted, supporting arts and culture because of their intrinsic values is 'rarely a concern of the first order' and many if not all governments have goals that extend beyond simply supporting arts for art's sake:

> Philosophers and lovers of the arts often assert that a vital artistic life is essential for a full and rich human existence. Government programs for the arts, however, usually have far more concrete and less elevated purposes in addition to enhancing the quality of human life.[10]

One such motivation that does not seem to be based explicitly on the intrinsic values of art is founded on the idea that culture should be supported as it is

[7] Cummings & Katz (1987b): 351-352.
[8] Ratiu (2009): 36.
[9] McGuigan (2004): 63.
[10] Cummings & Katz (1987b): 351.

an expression of national identity. As such, the objectives of a cultural policy can be twofold: it can aim to foster and/or maintain distinctive national cultural identities, but can also have the goal of preserving the diversity of minority cultures *within* the nation.[11] Towards both goals similar kinds of actions can be taken which tend to focus on either the development of new cultural expressions (for instance, highlighting distinctive cultural styles or maintaining certain languages) or on the preservation of distinctive cultural heritage. According to Cummings and Katz, the extent to which either the development or the preservation side is emphasised, and the way in which this happens, depends on various factors, including the strength of a specific cultural identity, existing ethnic variation within a country, the perception of other cultures as 'threats', and the size of a country's existing tangible heritage.[12]

Although it can certainly be argued that this 'identity' motivation is, to a certain extent, driven by political motivations - the instrumental role of the arts in nineteenth century nationalism has been well-documented - it can still be regarded as pursuing a cultural objective in its own right, as far as it contributes first and foremost to the development of and preservation of national cultural expressions. Nevertheless, many more objectives of a more *purely* political kind can be seen to underlie government involvement in arts and culture. Historically cultural patronage was often primarily motivated as a way to express 'the taste and connoisseurship of great potentates'[13], but even modern governments have been driven by a need to 'impress the international community'. Despite the fact that 'a democratic state cannot be seen as simply indulging the aesthetic preferences of a few, however enlightened'[14], most (if not all) governments have been involved in projects of cultural prestige, using cultural expressions as 'recognisable symbols of [the] country's sophistication and civilisation'[15], often at great expenses and with seemingly no other objectives than to enhance the national image or to leave a mark for future generations.[16]

This use of 'culture as glorification'[17], highlighting the prestige of both the nation and of specific individuals, is not the only political motive for government involvement with the arts. Pick makes further distinctions between what he calls the 'placebo' motive, which involves using culture as 'a means of quelling dissent, soothing dissatisfaction and inspiring populations to look beyond the sordid present', especially in times of war or economic upheaval, and the use of culture as an educational tool to express and

[11] Idem: 351-352.
[12] Idem: 351.
[13] Mulcahy (2006): 322.
[14] Idem: 323.
[15] Pick (1988): 114.
[16] McGuigan (2004: 68-71), speaking of the tradition of French presidents leaving cultural monuments to the nation, says that '[t]here is no greater recent example of cultural policy aggrandizing national and, indeed, metropolitan display than Mitterrand's expensive *grands projets,* such as the Louvre Pyramide, the Opera Bastille and a new national library; in effect, a series of controversial memorials to his presidency'. Other examples can be seen in the various international exhibitions, with London's Great Exhibition of 1851 as the prime example.
[17] Mulcahy (2006): 322.

emphasise certain beliefs held by a government - a use that might transform into a *propaganda* tool in the case of more totalitarian political systems.[18] Finally, on a more basic level, government actions in the cultural field have been used as a way to gain direct political advantage.[19]

A third category of motives underlying cultural policies can be found in the contribution of arts and culture to objectives of social policy. In many European countries, the start of this tradition can be traced back to the period shortly after the Second World War. Based on the idea that cultural participation contributes to greater social welfare by supporting the 'aesthetic enlightenment, enhanced dignity, and educational development of the general citizenry'[20], many governments became concerned with the need to promote greater accessibility to culture for *all* citizens, as opposed to merely the higher classes of society. Throughout much of the 1950s and 1960s cultural policies focused mainly on the *dissemination* of culture, in both a social and a geographical sense. In the course of the 1960s and 1970s, in many countries this process of the 'democratisation' of what was essentially an established 'high culture' came to be replaced by a new focus on 'cultural democracy'.[21] While this new approach let go of established conceptions of the superiority of certain kinds of culture and opened up the concept of culture to a much wider range of (popular) aesthetic expressions, the central underlying element remained the same, namely that exposure to arts and culture, whether passively or actively, was beneficial to both individuals and society as a whole, and that governments should therefore support cultural activities. In more recent years the social impacts of the arts and culture have been receiving renewed interest, but with yet another focus, with arts and culture being seen primarily as means to address issues of social exclusion of minority and disadvantaged groups, or as tools for community development and cohesion.

Economic arguments form a fourth important motivation for government involvement in arts and culture. Throughout the 1980s, this rationale came to dominate in most European countries. As economic circumstances began to worsen, cultural policy in many countries became increasingly characterised by a business-like approach to cultural sector management, where '[a]rts administrators were encouraged to see themselves more and more as business executives'.[22] Efficiency and effectiveness gradually became important aspects for the justification of public investment in the cultural field. In this context, attention started to shift from a focus on the contribution of the arts and culture to 'social welfare' toward the economic benefits of the arts in themselves.[23] Culture came to be seen as instrumental in levering economic

[18] See Pick (1988): 117-120.
[19] See for instance Cummings & Katz (1987b): 351.
[20] Mulcahy (2006): 324.
[21] See: Vestheim (1994).
[22] O. Bennett (1991), cited in Rásky (1998): 61.
[23] See for instance the publication of Myerscough's *The economic importance of the arts* (1988), which is considered to be the first major study in the subject.

growth, for instance by contributing to employment, attracting tourists, or more indirectly as a tool for urban regeneration and urban planning.[24]

It should be noted that these four broad categories of objectives can rarely be as easily distinguished as they are presented here; in practice there are often significant overlaps between the arguments. For instance, by contributing to employment and urban planning the arts serve both economic and social functions, and, as already mentioned, supporting arts and culture to maintain distinctive cultural expressions may be driven by political as well more purely cultural objectives. Establishing what the objectives of cultural policy are is all the more difficult as government support may be motivated by more than one objective at the same time. As Cummings and Katz note, 'nearly every program of cultural support has had multiple objectives' and one programme may be supported by different people for very different reasons.[25] Also, some objectives will be more explicit than others. For instance, McGuigan has argued that support based on cultural objectives is most often rationalised quite openly, while policy driven by more purely political or economic arguments is 'most likely to be implicit'.[26]

However, arguments of the latter nature have been starting to dominate the rationalisation of cultural policy more openly, and can thus be identified more explicitly as the main objectives of cultural policy. There appears to have been a shift 'from the cultural and artistic component of policies towards the secondary, purely instrumental aims that can be associated with them', requiring cultural policies 'to demonstrate that they generate a benefit over and above the aesthetic'.[27] In many European countries the justification for cultural policy now lies predominantly in the economic and social impacts of arts and culture. Although justifications of a state's involvement with the arts with reference to non-cultural arguments is not necessarily a recent phenomenon - the way in which Renaissance rulers used culture as a means of personal glorification is but one example - a distinction can still be made between cultural policies *per se,* which can have secondary objectives, and *purely instrumental* cultural policies.

The dividing line between the two is certainly a blurry one. For instance, while the economic justification of cultural policy is generally seen as typically instrumental, the approach to culture as a contributor to social welfare in the 1950s and 1960s does not seem to be regarded as such, although this undeniably serves non-cultural purposes as well.[28] Nevertheless, as Gray has suggested, a useful distinction may be found in the importance attributed to cultural and artistic content. Thus, *purely* instrumental cultural policy implies

[24] Pick (1988): 115-116.
[25] Cummings & Katz (1987b): 352.
[26] McGuigan (2004): 64. Following Williams (1984), McGuigan refers to the first as cultural policy 'proper', while the second is termed cultural policy 'as display', which includes two types of justifications: 'national aggrandizement', which is as much as national glorification, and 'economic reductionism'. See Williams (1984).
[27] Gray (2007): 203-205.
[28] For instance, Vestheim (1994) discusses the development of the 'cultural democracy' approach in the Scandinavian countries since the 1950s, but argues that cultural policy only became *instrumental* by the mid-1970s.

the use of 'cultural ventures and cultural investments as a means or instrument to attain goals in other than cultural areas'[29], while cultural policies *as such* are first and foremost intended to achieve cultural and artistic objectives, and '[a]ny spill-over into other policy intentions is a more-or-less unintended consequence of this intention'; in other words, any underlying objective is of a secondary nature.[30]

It can thus be concluded that although all cultural policies are instrumental in the sense that they have the potential to contribute to objectives other than the more *purely* cultural ones, some policies are more instrumental than others. In practice, cultural policies tend to be driven by a combination of different objectives, and the question is what dominates, and how they are used. As Gray puts it,

> It is the way in which these effects are utilised that would appear to have the greatest impact on how arts and cultural policies are actually used by governments. In this respect the intention that lies behind the policies that are pursued becomes a central feature of how they are to be understood.[31]

As the above discussion of cultural policy motives has shown, governments can be involved in cultural policy for a wide variety number of reasons. The central question in relation to this thesis is whether or not EU involvement in cultural policy is driven by similar objectives. Before turning to this analysis, the remainder of this chapter will first look at the existing literature on the subject.

1.2 Motives for the development of EU cultural policy

Existing studies that have focused on the objectives of EU cultural policy have generally identified two distinctive rationales for EU involvement in the cultural field. In short, the *political rationale* regards the existence of EU cultural policy as an orchestrated attempt to promote 'feelings of belonging' to Europe, while the *socio-economic rationale* regards actions in the cultural field as an extension of other socio-economic policy priorities. EU involvement in the cultural sector tends to be justified by reference to either one, or sometimes both, of these underlying agendas, which will be discussed below.

According to the political rationale, the construction of a European identity forms the main objective of EU cultural policy. How this identity is to be interpreted, however, has been a matter of much debate. As discussed above, it has been observed that the 'identity' objective of national cultural policies can take two related forms, focusing either on the promotion of a distinctive national identity, or on the preservation of cultural diversity within the nation, and can be interpreted as both a cultural *and* a political objective. These complexities can be found even more expressively at the European level. On the one hand, much of the literature stresses that the main objective of EU

[29] Vestheim (1994): 65.
[30] Gray (2007): 204.
[31] Idem: 205.

cultural policy is a *political* one, namely to promote feelings of belonging to Europe in order to strengthen popular identification with and support for the EU and European integration in general. In this view, actions in the cultural field aim to construct a unifying cultural identity and are primarily concerned with highlighting symbolic elements and a common cultural heritage. On the other hand, it has been pointed out that a different kind of cultural actions has been carried out in order to advance European cultural diversity. While both approaches at first appear to have opposite objectives, it has been argued that they are in fact complementary, and that both can be seen as contributing to the same political goal.

Many authors have argued that the development of EU cultural policy has been driven by the wish to strengthen popular support for the European integration project. According to this view, EU involvement in the cultural sector is part of a 'conscious legitimacy building strategy'[32], born out of the political necessity 'to endow the EU's institutions and emerging system of transnational governance with legitimacy'.[33] Shore, for instance, argues that the EU uses culture as 'a political instrument for the construction of Europe'.[34] For him, 'high profile' cultural initiatives such as the formation of a European Youth Orchestra, the conservation and restoration of the Parthenon, and the introduction of numerous cultural awards and celebratory markers such as the 'European Cultural Months' and a series of 'European Years', are the clearest examples of this political construction process. Such symbolic actions, all of which were first developed during the 1980s, can be regarded as attempts by the EU to promote a unified European cultural identity, with the clear purpose 'to boost the Community's image'.[35]

As Shore and others have pointed out, this kind of image-building through culture has its origins in the mid-1970s, a time when it was becoming increasingly clear that the spill-over from economic and legal integration into political and social integration was not as inevitable as neo-functionalist theory had predicted. Economic integration had not resulted in a natural transfer of loyalties from the national to the European level and the lack of public support for the integration process came to be seen as a serious problem for the legitimacy of the European project.[36] Concerns about this matter were expressed in several official documents in which the development of a collective European identity was proposed as a way to stimulate public support for the integration process and thus to advance the European project.[37] This identity was seen mainly in cultural terms. For instance, the Solemn Declaration on European Union (1983) contained a passage in which the Heads of State and Government of the Member States called for 'closer cooperation on cultural matters, in order to affirm the awareness of a common cultural heritage as an element in the European identity'[38]. Similarly, the *ad*

[32] Pantel (1999): 59.
[33] Shore (2000): 1.
[34] Idem: 4.
[35] Idem: 48-49.
[36] See for instance Shore (2001): 108.
[37] See for instance Banús (2002): 159.
[38] European Council (1983): 15.

hoc Committee for a People's Europe, which was installed in the mid-1980s to come up with measures 'to strengthen and promote the Community's identity and its image both for its citizens and for the rest of the world'[39], concluded that it was 'through action in the areas of culture and communication, which are essential to European identity and the Community's image in the minds of its people, that support for the advancement of Europe can and must be sought'.[40] The high profile cultural initiatives discussed by Shore were among the measures proposed by this Committee.

The idea that cultural policy is aimed at the creation of a European cultural identity seems to be quite generally accepted. For instance, Sassatelli argues that not only the 'symbolic' cultural actions 'of special significance' such as the European Capital of Culture event, but also the specific cultural programmes developed in the 1990s were 'informed by a commitment to the protection of the 'common cultural heritage'' and 'the promotion of a better knowledge and awareness of the cultures of the European peoples'.[41] These broad objectives, she maintains, 'quite explicitly address the question of European cultural identity, claiming that cultural policy is there to protect and at the same time foster it, providing a wide legitimization for the European integration project as a whole'.[42]

Attempts to construct a collective European identity have long been the subject of critical debates regarding both their practical feasibility and political desirability. While this is not the place to go into the detail of these debates, it is important to take note of some of the criticism expressed in relation to EU cultural policy, especially regarding the form of the identity that is at stake in this construction. One of the main criticisms of attempts to construct a European identity through actions in the cultural field has been that it is essentially a form of nation-building along the lines of the nineteenth century nationalist model, transported to the pan-European level. For instance, Shore stresses that it consists mainly of symbolic actions, 'invented traditions and manufactured heritage', and that EU cultural policy is centred on the promotion of an elitist and 'Eurocentric' conception of culture, which is exclusionary and intolerant to 'those who fall outside the boundaries of official European culture'.[43] This leads him to conclude that the integrative role of EU actions in the cultural field is limited, since they merely manage to highlight 'the distance between European Union elites and the peoples of Europe they seek to unite'.[44]

Likewise, Mokre warns that the creation of a collective European identity based on a shared heritage would be 'highly exclusionary and repressive' and would draw 'a sharp borderline between recognized and marginalized forms of cultural expression'.[45] Most importantly, she argues, attempts to construct a

[39] Adonnino (1985): 5.
[40] Idem: 21.
[41] Sassatelli (2006): 28.
[42] Ibid.
[43] Shore (2001): 106.
[44] Idem: 118.
[45] Mokre (2007): 38.

unified European identity threaten the existing cultural diversity in Europe. She argues that EU cultural policy is too much focused on cultural heritage as an expression of the assumed and essentialised common roots of Europe. Instead of aiming to 'duplicate' national identities, she says, EU cultural policy should aim to foster 'plural, multiple and dynamic identities', which would involved a shift away from heritage to contemporary and critical cultural and artistic expressions.[46] The same argument is followed by Sassatelli, who concludes that

> European institutions cannot follow the path of cultural homogenization and consensus that the nation-state so successfully imagined for itself […] because their existence is based on that of its components (national and local) and thus on a delicate equilibrium between the drive for unity and the concern for diversity.[47]

In essence, the *political* objective of constructing a European identity is thus seen as a threat to the continuous existence of Europe's cultural diversity, which appears to be regarded as something worth preserving in itself – that is, for *cultural* reasons. To a certain extent, the concept of 'unity in diversity' can be seen as a pragmatic attempt to overcome the criticism of the exclusionary nature of a unifying European identity.[48] This phrase emphasises that it is the very *combination* of differences that makes up the unique quality of European cultural identity, and that, instead of homogenising cultural differences, cultural policy should in fact serve to highlight these.[49] This model can be seen as a move away from a focus on the construction of a single European identity towards a more 'heterogeneous model' of European identity that recognises and stimulates cultural diversity.[50] Despite significant criticism of the concept as 'a *formal* solution with no substance, a superficial if successful motto'[51], 'unity in diversity' has gradually come to dominate the discourse on European identity.[52]

Although Shore has strongly denied that the fostering of cultural *diversity* is an objective of EU cultural policy, arguing instead that 'the rationale underlying European Union cultural policies appears to be less about celebrating "difference" or embracing multiculturalism, as promoting the idea of Europe's overarching unity through that diversity'[53], other authors have pointed at various examples of actions that aim to promote cultural diversity. One example of this is found in the work of Pantel. While she agrees with Shore that certain cultural actions, such as those proposed by the *ad hoc* Committee in the mid-1980s, aimed to underline the common European cultural heritage

[46] Idem: 43.
[47] Sassatelli (2006): 31.
[48] Shore (1997: 178) discusses how the concept of 'unity in diversity' gradually came to replace the initial emphasis on 'cultural unity', as the creation of a unifying, pan-European cultural identity was being perceived as problematic by national politicians.
[49] Sassatelli (2002): 439.
[50] Barnett (2001: 422).
[51] Sassatelli (2006): 32; her italics.
[52] Not only has it become the dominant concept in scholarly approaches to European culture, but it has also been adopted as the official motto of the EU. See Sassatelli (2002): 440.
[53] Shore (2001): 115.

and thus to create 'a greater sense of a European cultural identity'[54], she maintains that a *second* strand of EU cultural policy can be distinguished which *does* have the specific aim of fostering cultural diversity. According to Pantel, both components of EU cultural policy were 'designed to be mutually reinforcing' and, in line with the 'unity in diversity' concept, represent a deliberate strategy to build political legitimacy through an emphasis on the compatibility of contrasting identities, instead of the imposition of a culturally uniform European identity.[55] In other words, fostering cultural diversity appears to be driven by inherently political objectives as well.

According to Pantel, examples of this second strand of EU cultural policy can be found especially in support for regional and local cultures through the EU's regional development programmes, which she argues are 'clearly oriented toward regional cultural diversity'[56], support actions for minority languages, such as the funding of the European Bureau for Lesser Used Languages, and actions directed at the audiovisual and publishing sectors. Pantel furthermore singles out the European City of Culture (ECOC) programme as 'an excellent example of efforts to promote unity through diversity by emphasizing particular identities and their contribution to the larger European whole', being 'designed both to promote the culture of a particular country or region and to advance the notion of a European culture.'[57] Sassatelli, also allowing for the fostering of cultural diversity to be an objective of EU cultural policy, calls the ECOC programme 'a salient example of the attempts at awakening a European consciousness by diffusing its symbols, while respecting the contents of national and local cultures'.[58] She discusses how this event represents the ambiguity of the 'unity in diversity' approach, showing how, on the one hand, the ECOC title is used as 'a symbol of belonging' to the wider European dimension, while on the other hand arguing that the ECOC 'achieved more in highlighting differences than in bringing the European dimension to the fore'.[59]

While the identity-building rationale has been the dominant perspective on EU cultural policy in the academic literature, it is certainly not the only one. For instance, Sassatelli distinguishes a form of cultural policy that developed as an extension of earlier policies in other areas and has the more straightforward objective of fostering the European cultural sector.[60] This form of cultural policy is also central to the work of Littoz-Monnet, who in fact has argued that EU cultural policy should primarily be seen as an extension of the economic principles of European integration:

> The 'economic' nature of the rationale for EU intervention in the cultural sector is evident when one looks at EU legislative developments in the cultural field […]. Throughout the 1980s and 1990s, EU legislation was based on economic arguments and essentially aimed at liberalising new policy sectors

[54] Pantel (1999): 53.
[55] Idem: 52.
[56] Idem: 55.
[57] Ibid.
[58] Sassatelli (2002): 436.
[59] Sassatelli (2006): 35.
[60] Idem: 31.

> in the perspective of the Single Market. […] By contrast, the 'European identity' rationale did not provide a sufficiently firm legitimisation for EU-level intervention.[61]

Littoz-Monnet suggests that the development of symbolic actions directed at promoting a common cultural identity was far less significant for actual EU involvement in the cultural field and stresses that the drive for the development of a European cultural policy came from specific actions of the Commission's market-oriented DGs, as well as the ECJ, which both approached cultural matters from an economic perspective in order to justify interventions relating to, in particular, the audiovisual and copyright sectors. In this view, cultural policy is concerned primarily with the removal of internal barriers restricting the freedom of movement of goods, services, persons and capital that are fundamental to the internal market.

While Littoz-Monnet mainly discusses the impact of European regulatory and legislative actions on the wider cultural field, other authors have focused on the more instrumental use of culture through the European programmes for regional development and cohesion policy, in particular the Structural Funds. Even though it is widely acknowledged that support for culture has never been an explicit aim of the Structural Funds, which exist first and foremost to address economic and social imbalances within the EU's disadvantaged areas through support for the improvement of economic growth, employment and regional competitiveness, the amount of funding directed at the cultural sector through these regional development programmes has always been significantly higher than the budgets for specific cultural actions.[62] Moreover, the Commission has explicitly stated that culture should be seen as an integral part of regional and local development.[63] For instance, in its communication on cohesion policy and culture (1996), the Commission stated that cultural actions could fall under the scope of Article 130a of the TEU, which requires the Community to promote actions that strengthen economic and social cohesion.[64] Support through the Structural Funds may be seen as complementary to direct cultural actions, as '[t]he Structural Funds, by contributing to economic and social dynamism within regions, create fertile ground for cultural organisations and institutions to thrive, and these may take part in rewarding cooperation projects'.[65] However, the Commission stresses that 'cultural activities are *only* eligible for funding by the Structural Funds if

[61] Littoz-Monnet (2007): 56-57.
[62] See e.g. Delgado Moreira (2000): 459, table 2. A first study on the financial impact of the Structural Funds on the cultural sector, carried out by Bates & Wacker, estimated that between 1989 and 1993 some 83% of all funding for culture was distributed through the Structural Funds (see Sandell (2002): 260). However, as Bekemans & Van Quathem (1998: 23) note, the actual amount of Structural Funds spending on culture is hard to establish, as most information is collected by the Member States themselves and varies widely in terms of detail and consistency. One study that offers a useful overview of cultural projects supported by the Structural Funds in the period 2000-2006 is EUCLID UK's *Culture Delivers Report* (2007), which documents over 1200 projects with a total investment of over GBP 400m. However, this study is limited to the UK.
[63] Delgado Moreira (2000).
[64] CEC (1996b): 2.
[65] See: CEC (2004c): 11.

they are linked to regional or local development', that is, they first of all need to contribute to specific economic and/or social goals.[66]

Reviewing a number of Commission publications on cohesion policy published in the 1990s, Delgado Moreira concludes that 'culture is described as a potential source of income and economic development: asset, source of employment, regional development'.[67] The Commission, he argues, 'finds it necessary to justify both cohesion and cultural policy by their projected benefits for employment'. Furthermore, it 'sees cultural policy as a way of developing peripheral regions', and 'emphasizes the link with culture as a source of employment, as an untapped resource that could yield regional development.'[68]

Since the late 1980s, support for culture through the regional development programmes has mostly been channelled through specific schemes for the development of cultural infrastructure, cultural tourism and heritage conservation. Bekemans & Van Quathem note that '[f]or a long time, cultural action under the Structural Funds has concentrated on the conservation of monuments and historic sites or the preservation of the industrial heritage, stimulating craft activities or creating regional museums', actions that were 'often highly visible'.[69] For Evans & Foord, this reflects 'the identification of arts and heritage projects in particular as potential sources of employment and economic growth', either as enterprises in their own right, or as part of an essential cultural infrastructure with a wider economic role, that is, as a means of cultural regeneration.[70]

In its 2004 report on the use of the Structural Funds as a funding source for culture, the Commission concluded that they contributed substantially to the creation of cultural facilities throughout Europe, such as the conversion of historic buildings into museums, libraries and tourist attractions. Bekemans & Van Quathem emphasise, however, that the economic potential of the cultural sector extends beyond these specific schemes, as it 'has an often underestimated potential for job creation, regional development and integration'.[71] Barnett notes that culture is also seen as a means of creating jobs in disadvantaged regions. He says that it can serve this function directly, through the growth of employment in cultural industries, but also indirectly, for instance by improving the image of the regions, thus 'capitalising on cultural assets as part of place-marketing strategies to attract investment', as well as through the promotion of social integration and social cohesion.[72] At the same time, Barnett argues that culture is presented as a medium to cultivate skills of creativity and adaptability, which also contributes to employment. In relation to the latter, he notes a shift towards the 'social developmental' aspects of culture, its role in combating social exclusion and enhancing social cohesion

[66] CEC(1996b): 4; emphasis added.
[67] Delgado Moreira (2000): 456.
[68] Idem: 451-452.
[69] Bekemans & Van Quathem (1998): 45.
[70] Evans & Foord (1999): 64-65.
[71] Bekemans & Van Quathem (1998): 45.
[72] Barnett (2001): 418.

in the context of economic integration. As such, 'culture has increasingly come to be defined as contributing to EU social-policy objectives as it has been integrated into education and training objectives'.[73]

Summing up, culture is seen as contributing to regional development in different ways: firstly, it is a major source of employment, both directly and indirectly; secondly, it promotes social integration and social and regional cohesion; and thirdly, it contributes to the image and attractiveness of a region. Culture thus becomes an increasingly important location factor for further investment, while at the same time contributing to the regeneration of disadvantaged areas. These factors lead Delgado Moreira to conclude that the Commission's communication on cohesion policy and culture should be seen as 'part of the coming of age of EU cultural policy', in that 'it represents an example of the integration […] of cultural issues into all community policy instruments'.[74]

1.3 Concluding remarks

As the first part of this chapter has shown, cultural policy can be driven by various underlying objectives. Some policies may be dominated by a single objective, while others have many additional motives. For instance, in the context of EU cultural policy, the objective of fostering a European identity is regarded as purely *political* by those who perceive this as an attempt at constructing a unifying identity, while it can also be seen as having the more *cultural* objective of supporting European cultural diversity as an element of that identity. Often a significant overlap between different policy objectives can be found as well. Pantel has observed, for instance, that funding for cultural projects as part of the EU's cohesion policy also contributes to the promotion of cultural diversity, and Sassatelli has pointed out that the ECOC title is increasingly 'being used as an instrument for development of the cultural capital of marginal cities', as part of a strategy of economic and social regeneration.[75] At the same time, Delgado Moreira has noted that interregional cultural cooperation, as promoted through the Structural Funds, was also intended to 'strengthen the common cultural heritage and the sense of Union citizenship'.[76]

Overall, it can be concluded that EU cultural policy has been regarded primarily as instrumental to the overarching goal of European integration, in terms of its potential contribution to what Dewey has called 'civil society goals', that is, developing a sense of citizenship and a collective identity, and 'economic goals', fostering the potential economic benefits of the creative industries, cultural tourism and the contribution of culture to regional development.[77] Summing up the general view of the potential of culture to contribute to these purposes, Dewey states that

[73] Idem: 419.
[74] Delgado Moreira (2000): 454.
[75] Sassatelli (2006): 35.
[76] Delgado Moreira (2000): 452.
[77] Dewey (2007): 6-7.

> Culture is now seen by many as a force for identity, a force for cohesion, and a force that fosters the democratic participation of citizens. In addition, the potential for the "cultural industries" or "creative economy" to spur economic growth is increasingly recognized as a crucial urban and regional planning factor throughout Europe.[78]

However, some observations need to be made to place these findings into context. First of all, when studies of the objectives of EU cultural policy are examined in more detail, it quickly becomes clear that they are based on widely varying understandings of what is covered by this policy. While the ambiguous nature of the concept of cultural policy will be discussed in more detail in the next chapter, especially in relation to the scope of the remainder of this study, it is significant to already take note of this here, as it suggests that the conclusions that have been reached on the EU's cultural policy objectives, as discussed above, may at least in part have been based on actions carried out in other policy areas.

How widely interpretations of cultural policy differ becomes most apparent when examining the actual actions that are being referred to in the different studies. For instance, the studies that discuss the economic rationale appear to focus mainly on the funding of cultural projects through the Structural Funds, or, as Littoz-Monnet does, on legislative and regulatory actions. On the other hand, analyses of EU identity-building contain a plethora of actions in the fields of education, communication and audiovisual policy, which are nevertheless treated as if they are elements of a *cultural* policy. It thus appears that the borders between culture and other (related) policy areas are being blurred significantly.

Shore's analysis of the proposals of the *ad hoc* Committee offers a good example of this. Some of the actions which he specifically refers to as 'cultural initiatives', such as the European Woman of the Year Award and the Jean Monnet Awards, clearly require a wide definition of cultural policy if they are to be regarded as such.[79] While Shore may be correct in claiming that certain cultural policy actions are of a symbolic nature and are intended to contribute to the construction of a European identity, it does not necessarily follow from this that all identity-building actions can be regarded as cultural policy. In fact, the majority of identity building actions he discusses, which include the European flag and anthem as well as high profile commemorative days and events such as Europe Day and the celebratory European theme years, can probably be better regarded as part of a communication strategy than anything else.[80]

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[78] Idem: 4.

[79] As Shore (2000: 49) himself notes, the Jean Monnet Awards were intended 'to create new university courses and lectureships in European integration studies with the aim of 'Europeanising' university teaching'.

[80] Shore (2000: 46) does point out that not all of the measures proposed were strictly confined to the cultural domain; however, this remark seems to refer mainly to actions such as those directed at the simplification of border crossing formalities.

Another example of this rather ambiguous interpretation of cultural policy can be found in a study by Tsaliki.[81] Although she claims to be examining how cultural policy is used for the construction of European identity and citizenship, in her analysis the concept of 'cultural policy' is vastly expanded to include educational programmes such as Socrates and Leonardo da Vinci, the Youth programme and specific strands of the 6th Framework Programme for Research and Technological Development. Similarly, the exchange projects that Pantel refers to as 'cultural' examples of the 'People's Europe' campaign include educational exchanges such as the Erasmus scheme, youth exchanges and town twinning schemes, yet she makes no mention of *artistic* exchanges, while the main examples she gives of attempts to foster cultural *diversity* are expressed through policies for regional development, language policy, and audiovisual policy.[82]

In relation to the Structural Funds, some authors even acknowledge that, although this source of funding has a significant financial impact on the cultural field, it should not be considered as part of a cultural policy. For instance, Bekemans and Van Quathem argue that the use of the Structural Funds for funding culture does not fit very well within the structure of a Community policy on culture, as cultural objectives are simply not taken into account when assessing applicant projects. Instead, '[t]he only question asked […] is how culture could help to increase a region's GDP or create jobs'.[83] Similarly, Delgado-Moreira concludes that 'most of the aid that effectively ends up in projects with some content of cultural character is wasted for a Community-organized cultural policy as such', and that 'the majority of culture/regional development funds do not correspond with cultural policy aims at the Community level'.[84]

By contrast, it is interesting to note that many of the more *direct* cultural actions - the specific funding programmes in the fields of heritage, artistic activities and translation, which can more clearly be considered as part of EU cultural policy - have received far less attention. For instance, Shore makes hardly any reference to them at all, focusing instead on more high profile symbolic initiatives, while Pantel does claim that actions in these areas aim to promote unity, but (with the exception of the ECOC event) does not explain how. Admittedly, the development of direct actions in the cultural field only really took off in the mid-1990s, with the ECOC being the clear exception. Throughout much of the 1980s and part of the 1990s, EU cultural policy was in fact largely characterised by high profile *ad hoc* actions, as will be discussed in Chapters 4 and 6. Nevertheless, in more recent years a more substantial programmatic approach has been developed, which justifies a closer look at a more narrowly defined EU cultural policy.

Nevertheless, even more recent studies that discuss the identity-building objectives of EU cultural policy focus primarily on these early stages of EU policy in the field in the 1980s and early 1990s - with the studies by Sassatelli,

[81] Tsaliki (2007).
[82] Pantel (1999).
[83] Bekemans & Van Quathem (1998): 12. A similar point is made by Evans & Foord (1999).
[84] Delgado Moreira (2000): 465.

who has a particular focus on the goals of the ECOC event in 2000[85], and Tsaliki, who briefly addresses the Culture 2000 programme[86], as the main exceptions. What is more, so far no substantial research has been done on the most recent stage of EU cultural policy, as exemplified by the Culture Programme (2007-2013). Rather than assuming that the objectives of this policy have remained the same since the 1980s, it is worth studying if and how these have developed during the 1990s and into the 2000s. This study aims to fill this research gap through a detailed analysis of the most recent stage of policy actions.

[85] Sassatelli (2002), (2006) and (2009).
[86] Tsaliki (2007).

CHAPTER 2
DETERMINING THE SCOPE OF EU CULTURAL POLICY

This chapter defines the scope of EU cultural policy. It tackles definitional issues concerning 'culture', 'policy' and 'EU cultural policy', discusses the ambiguous use of these concepts and sets out the narrow scope taken in this study. As the previous chapter has shown, the analysis of the objectives of EU cultural policy is to a large extent dependent on how such a policy is interpreted. In order to understand the objectives of EU cultural policy, it is therefore essential first and foremost to establish the scope of EU involvement in the field of culture. When examining the literature on the subject, it quickly becomes apparent that many different interpretations exist and that these are not always compatible. For instance, according to Barnett European action in the cultural field refers to 'support of artistic creativity, literature, language policy, heritage, cultural tourism, and the performing arts', which he specifically distinguishes from policy in the audio-visual sector.[87] Obuljen, on the other hand, has a much wider interpretation of the scope of EU cultural policy and argues that it exists of provisions from various common policies that have an impact on culture 'including both policies that refer specifically to culture and those that have a more indirect impact'.[88] For Obuljen, the exclusion of the audiovisual sector from the scope of EU cultural policy is proof that the EU uses a rather restrictive definition of cultural policy, in comparison to, for instance, the Council of Europe, which defines it as including 'all public policies and government measures which have a direct or indirect impact on the field of culture and cultural expressions'.[89]

Defining the scope of EU cultural policy is especially problematic since no single, universally acceptable definition of cultural policy exists. Significant differences exist between what the individual Member States regard as cultural policy and the range of actions that they take under this heading.[90] For instance, in the Netherlands cultural policy includes the fields of cultural heritage, media and the arts; in Bulgaria it involves 'the activity associated with the creation, study, dissemination and protection of cultural values, as well as the results of this activity'; while in Belgium the legal definition covers ten different fields, including youth policy, physical education, and leisure and tourism. What is more, in a number of Member States the concept is not defined at all.[91]

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[87] Barnett (2001): 406.
[88] Obuljen (2006): 11.
[89] Idem: 21. This is the definition of cultural policy as used by the COE in its programme of national cultural policy reports.
[90] Also noted by Banús (2002): 159.
[91] See: Council of Europe & ERICarts (2008). National definitions of culture are discussed under section 3.2 of the different country profiles. The following countries were found explicitly *not* to use a legal definition of culture: Austria, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Malta, Poland, Slovakia, Spain, Sweden and the UK. National reports were not available for Cyprus, the Czech Republic and Luxembourg.

Given the existence of different interpretations of the concept at the level of the Member States, it seems especially pertinent to establish how the concept is interpreted at EU level. Unfortunately, the EU offers very little guidance in this respect. Instead of a clear definition, its institutions employ a rather ambiguous concept of culture which, as the above examples illustrate, is left open to various interpretations.

This chapter aims to determine the scope of EU cultural policy and, therefore, requires an understanding of how the concepts of *culture* and *policy* are used in the European context. Both concepts will first be addressed separately, followed by a brief exploration of their practical application in relation to each other in the practical context of the EU. It will be argued that EU policy-making can affect culture both directly and indirectly, but that a much more explicit interpretation of the concept of culture is necessary to determine the objectives of EU cultural policy.

2.1 Multiple meanings of culture

When attempting to define the concept of culture, a wide array of general and specific meanings can be distinguished. The noun 'culture', as defined by the Chambers Dictionary, refers to:

> cultivation; the result of cultivation; the state of being cultivated; refinement in manners, thought, taste, etc; loosely, the arts; a type of civilization; the attitudes and values which inform a society; a crop of microorganisms, eg bacteria, grown in a solid or liquid medium in a laboratory.[92]

As the focus of this study is on the use of culture in the context of EU cultural policy, this is not the place to restart the debate on the meaning of culture in more general terms, also because it seems quite clear that at least five of the above definitions are not applicable to culture as a field of policy-making at the European level. Nevertheless, this brief exploration of the wide scope in which 'culture' is used is functional as it highlights the complexity of the term, which Williams, in one of the most-cited comments on the subject, refers to as 'one of the two or three most complicated words in the English language'.[93] Williams maintains that, although a wider variety of historical applications can be distinguished, at present the concept broadly has three different meanings:

1. a general process of intellectual, spiritual and aesthetic development
2. a particular way of life, whether of a people, a period, a group, or humanity in general
3. the works and practices of intellectual and especially artistic activity[94]

It could be argued, as Williams does, that the third meaning is in fact an applied form of the first: 'the idea of a general process of intellectual, spiritual

[92] *The Chambers Dictionary* (1994): 414. Edinburgh: Chambers Harrap Publishers.
[93] Williams (1983): 87.
[94] Idem: 90. Williams here goes 'beyond the physical reference', that is, 'culture' as a growth of bacteria.

and aesthetic development […] applied and effectively transferred to the works and practices which represent and sustain it'.[95] In the English language, as Williams points out, these two meanings of culture are still closely related and, at times, even indistinguishable. Nevertheless, it is useful to make this distinction, especially since Williams argues that the third meaning is now the most widespread use of the term, that is, 'culture is music, literature, painting and sculpture, theater and film. A Ministry of Culture refers to these specific activities, sometimes with the addition of philosophy, scholarship, history'.[96]

What is interesting about Williams' observation is that it specifically refers to the use of culture in the *English* language. Williams himself already alludes to the fact that, although originating from the same source, over time the meaning of 'culture' has come to vary in different languages, and that, for instance, the French and German concepts of *culture* and *Kultur* do not necessarily have the same connotation.[97] Speaking about culture in a European Union that makes use of a multitude of 23 official languages then provides for an even more complicated, and potentially confusing, background. Unless the use of the concept can be made explicit, there is a real risk that what is meant by 'culture' quite literally gets lost in translation.

However, it is not only language that determines what is understood by 'culture', as can be seen in the results of a recent Eurobarometer survey on 'European Cultural Values' (*table 2.1*). This survey, carried out in order to measure public opinion on culture and values within Europe, offers interesting insights in the different meanings associated with the concept across the Member States.[98]

Table 2.1: National variations in associations with 'culture'

Associated with 'culture'	**Average**	**Highest percentage**	**Lowest percentage**
Arts (performance and visual arts)	39%	Sweden: 75% Finland, Denmark: 74%	UK: 20% Greece, Spain: 25%
Traditions, languages, customs and social or cultural communities	24%	Austria: 48% Slovakia: 45% Cyprus: 41%	France: 10% Finland, Poland: 12%
Literature, poetry, playwriting,	24%	Hungary: 43%	Malta: 4%

[95] Idem: 90-91.
[96] Idem: 90. Capitals used in original.
[97] Idem: 88-89.
[98] TNS Opinion and Social (2007). The survey was carried out on behalf of DG EAC, and was completed by 26,755 citizens from all 27 Member States. With regard to the initial question ('please tell me what comes to mind when you think about the word 'culture''), spontaneous reactions were recorded and multiple answers were possible. Answers were however recoded to fit within a pre-fabricated list of 15 options. As such, the distinction between answers does not result from the actual answers given. The order of the results as reflected in table 2.1 is taken from the original report (there: table QA2). Other responses recorded, but not mentioned here, include: 'not interested/not for me' (2%); 'too elite, snobbish, posh, boring (negative things)' (1%); 'other' (7%); 'don't know' (5%).

authors		Estonia, Slovenia: 38%	Cyprus, UK: 9%
Education and family (upbringing)	20%	Italy: 39% Spain: 36% Romania: 31%	Finland, Sweden: 3% UK, Netherlands: 7%
Knowledge and science (research)	18%	Spain, Italy: 35% France: 29%	Malta: 1% UK: 2% Denmark: 3%
Life style and manners	18%	Poland: 44% Cyprus: 43% Slovenia: 36%	France: 4% Sweden: 6% Finland: 8%
Civilization (Western, Arab, etc.)	13%	Greece: 38% Netherlands: 27% Romania: 25%	Malta: 2% Lithuania: 3% Poland: 4%
History	13%	Romania: 25% Austria: 24% Slovakia: 22%	Poland: 5% Latvia: 6% Estonia, Lithuania, Finland: 8%
Museums	11%	Slovakia, Austria: 26% Luxembourg: 23%	UK: 4% Greece, Cyprus, Poland: 5%
Leisure, sports, travels, fun	9%	Estonia: 21% Denmark, Slovakia: 20%	UK, Malta: 2% Bulgaria, Greece: 4%
Values and beliefs (including philosophy, religion)	9%	Austria: 20% Romania:19% Netherlands: 18%	Finland: 3% Slovenia, Lithuania, Poland, France: 4%

While the authors of the report note that 'culture' is mostly associated with 'creative activity, whether that be in the form of the arts or literature and authors' (i.e. the first and third category) and that 'the idea of culture defining social and cultural communities figures prominently' (the second category)[99], the most striking result is the great differences in association that can be found across the Member States, as indicated in the third and fourth column. For instance, the association with performance and visual arts was significantly above average in the three Nordic countries, while respondents in Mediterranean countries had by far the highest association with the categories 'Education and family upbringing' and 'Knowledge and science'. Interestingly, although it might be expected that these differences can be explained in terms of linguistic differences and commonalities (as, for instance, the national languages of Italy, Spain, France and Romania all have their roots in Latin), it appears that such a pattern can only partially be found. National and, to a certain extent, regional distinctions seem to be at least as important.

[99] TNS Opinion and Social (2007): 6.

2.2 Ambiguous understanding and use of 'culture' at the EU level

Given these widely varying interpretations of what 'culture' means, one might expect that, in the multilingual setting of the EU, some attempts would have been undertaken to achieve a certain level of unity of interpretation. However, instead of a clear definition, the EU appears to employ a rather fuzzy concept of culture which is problematic not so much because of the complexity of the word itself, but mostly because of the ambiguous way in which it is used. This ambiguity can largely be attributed to the fact that the EU institutions have remained notoriously vague about their interpretation of 'culture'.

To begin with, although culture is explicitly referred to in the EU Treaty, it is not defined how the concept is to be understood. Given that limiting the scope of EU involvement in the cultural field was one of the main reasons that culture was included in the Maastricht Treaty, as will be discussed in more detail in Chapter 5, this may seem surprising; after all, a strict demarcation of the concept would have been a practical way of setting boundaries.[100] At first sight, the Treaty seems to contain a rather straightforward indication as to the scope of EU cultural policy. In Article 151.2 EC the areas in which action is to be taken are listed as follows:

> Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:
>
> - improvement of the knowledge and dissemination of the culture and history of the European peoples,
> - conservation and safeguarding of cultural heritage of European significance,
> - non-commercial cultural exchanges,
> - artistic and literary creation, including in the audiovisual sector.[101]

This list appears to be a clear statement regarding the extent of the field of culture. However, it is unclear whether this clause should be read as *limiting* action to these fields only, or if it is intended to provide a more general direction, highlighting that action should be taken *especially* in these areas, but possibly also in other areas. Craufurd Smith argues that the article does not *explicitly* state that these are the 'outer limits to Community competence', or that the listed activities 'should be regarded as exhaustive'.[102] According to Kearns, this way of spelling out different manifestations of culture whenever a given EU provision aims to assist or regulate one specific form of culture *in particular* is an example of a practical drafting technique, another example of

[100] However, as Craufurd Smith (2004a: 8) has noted, this is not uncommon in itself. While some areas, such as agriculture, are specifically defined within the Treaty, in many other cases it merely refers to 'specific objectives to be pursued in their particular area'. Nevertheless, Craufurd Smith finds that in this case the lack of a clear demarcation only serves 'to postpone, rather than avoid, controversy over the meaning of the word 'culture', as the objectives of the Article 151 'are themselves framed in terms of support for culture, whether it be the 'culture of the Member States' or the 'common cultural heritage'.
[101] Article 151(2) EC.
[102] Craufurd Smith (2004b): 51.

this which can be found in Article 87 EC. This article explicitly permits the granting of state aid to promote culture *and* heritage conservation, thus singling out heritage, although in terms of definition the latter could have been included in the concept of culture.[103] As Kearns states, this way of juxtaposing culture 'with terms for one aspect of culture as if they were separate things […] begs the question what is included within, and what is excluded from, the often residual generic term 'culture' in these contexts'.[104]

If the scope of actions as described above is already unclear, the fourth clause of Article 151 EC opens up the meaning of the concept of culture even further, stipulating that '[t]he Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures'.[105] Kaufmann and Raunig have observed that this clause recognises culture as 'an issue that cuts across many different segments', establishing 'a formal relation between culture and other spheres of life, work, society, etc'.[106] According to Sandell, this clause led to culture coming to be regarded 'as a legitimate subheading or issue on several of the other established EU agenda items, such as social development, employment, tourism, training, education, and so on.[107] In principle, it makes it mandatory to consider the cultural implications of actions taken in *all* other areas of EU activity, especially since the phrasing is kept very vague by referring merely to 'cultural aspects', which, as Kearns argues, may be found in a wide-ranging group of subjects, including:

> education, equality and gender, sport, consumer protection, language policy, copyright, the movement of national treasures, external policy, citizenship, human rights, visa and asylum policy, audio-visual policy, customs law as it pertains to art, and artists' resale rights. No doubt this list is not exhaustive.[108]

In the absence of any clear legal definition of culture in the Treaty, all of these subjects may be linked to culture, although the closeness of this link may vary: language policy will for instance be seen as more directly related to culture than visa and asylum policy. Nevertheless, these latter policies may still be interpreted as 'cultural' policies in their own right as well.

Given this lack of clarity on the concept of culture as used in the Treaty, it has fallen to the European Court of Justice (ECJ) to determine the scope of the concept in specific cases brought before it. However, rather than clarifying the matter, the ECJ only appears to have contributed to the ambiguity. According to Kearns, the ECJ has been 'prone to simply citing cultural forms, somewhat arbitrarily, as being linked to the type of culture it has in mind on a particular occasion', which has resulted in European case law giving 'a very fuzzy impression of what culture is'.[109] But the ECJ is not alone in remaining unclear

[103] See Kearns (2004): 395. Bekemans & Balodimos (1992: 33) make a similar observation, stating that the reference to heritage is 'superfluous', since it is already part of cultural activity.
[104] See Kearns (2004): 395.
[105] Article 151.4 EC
[106] Kaufmann & Raunig (2002): 13.
[107] Sandell (2002): 258.
[108] Kearns (2004): 401.
[109] Idem: 398.

regarding the concept of culture. Most notably, the Commission has deliberately refrained from establishing its own position on the subject, arguing that '[n]o one expects the Commission to become involved in academic argument over the definition, purpose and substance of culture'.[110] In its *1st Report on the consideration of cultural aspects in Community action*, the Commission explicitly points at the complexity of the concept, stating that

> the concept of Culture *[sic]* is a nebulous one which can vary from one school to another, from one society to another and from one area to another. It may include the Fine Arts [*sic*], literature, etc., but may also include all types of knowledge and features which characterise a society and make it possible to understand the world.[111]

Ellmeier has commented that this points at 'a very broad and comprehensive, though unquestioned, i.e. non-interpreted conception of culture', which could be best described as 'everything is culture'.[112] This is all the more surprising as the Commission does appear to be aware of the complications of using such a broad notion of culture in relation to policy-making. In the same report, it cites a definition of culture formulated in the context of the 1982 UNESCO conference on cultural policies, which describes culture as consisting of 'all distinctive, spiritual and material, intellectual and emotional features which characterise a society or social group'.[113] Based on such a wide definition, the Commission agrees, 'the entire European structure, the Treaties themselves and all the texts they have generated may be regarded as cultural expression and works'.[114] It appears from the remainder of the report that this is in fact *not* the meaning adopted by the Commission, although this is never made fully explicit. What is more, the Commission does not take any further steps to clarify its own interpretation, arguing that 'it is not for an institution to define the content of the concept of culture'.[115]

This apparent unwillingness of the Commission to define what it means by 'culture' stands in contrast to some very practical approaches taken on its behalf. One good example of this can be found in the work of the Eurostat Leadership Group (LEG) on Cultural Statistics, which sought a 'pragmatic' definition of culture in order to be able to compare cultural statistics across the Member States.[116] Building upon an earlier classification of cultural categories established in the context of the 1986 UNESCO Framework for Cultural Statistics, the LEG set out to define 'a common core of fields of activities unanimously considered as cultural' by all Member States, which meant that for instance tourism and sports were excluded, as not all Member States saw

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[110] CEC (1982): 3, par. 4.
[111] CEC (1996a): 3. See also Barnett (2001):416, and Shore (2001):114.
[112] Ellmeier (1998): 147-148.
[113] CEC (1996a): 3.
[114] Ibid.
[115] Ibid.
[116] The Eurostat LEG or Leadership Group on cultural statistics was established at the end of 1997, upon the initiative of the Member States and with financial support from the Commission. It was composed of experts from national statistical institutes and representatives of the Ministries of Culture of the Member States, with the exception of Germany.

this as part of cultural policy. In this way, a list was drafted containing some sixty cultural activities, distributed over eight specific cultural and artistic domains: artistic and monumental heritage; archives; libraries; books and press; visual arts; architecture; performing arts; and audio and audiovisual media/multimedia.[117] The Commission, however, appears to find this pragmatic list too narrow. It argues that 'to restrict "cultural aspects" to only the traditional components of what it has been agreed to term "cultural policy" (heritage, the live arts, literature, etc.) might mean that important parameters involved in the formation of cultures are disregarded'.[118] Instead, the Commission suggests its own 'pragmatic approach', which consists of seeking to answer a number of questions concerning the way in which 'cultural aspects' are taken into account in Community policies and texts. For instance, one such question is:

> Which Community texts and policies have taken and take *cultural matters* into account, which ones have had and may have an impact in *cultural areas*, and which have acquired a *cultural dimension*?[119]

While the LEG report attempted to determine the reach of the concept of culture *prior* to answering similar questions, the Commission chooses not to do so. As a result, its approach to understanding how 'cultural aspects' are taken into account in its own policies comes across as somewhat confusing. But as Craufurd Smith argues, the fact that the Commission has explicitly stated that it does not wish to define the concept

> does not absolve the Commission, or any other Community institution, from the responsibility of forming and articulating clearly its own view as to the 'nature, purpose and substance of culture' when applying or developing Community law in specific areas.[120]

The problem here is not so much that the Commission does not define what it means by culture, as that it contributes to the confusion surrounding the concept by using it in a variety of ways in different circumstances. For instance, a 1998 working document on employment in the cultural sector uses a very narrow definition of culture as a set of specific aesthetic practices[121], while other documents seems to refer to culture in the much wider meaning of 'values and traditions'. In the recent *Communication on a European agenda for culture in a globalizing world* (2007), *both* meanings are singled out:

> Culture should be regarded as a set of distinctive spiritual and material traits that characterize a society and social group. It embraces literature and arts as well as ways of life, value systems, traditions and beliefs.[122]

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[117] Eurostat (2000): 27.
[118] CEC (1996a): 3. Admittedly, this comment was published four years prior to the LEG report, but there is no indication to suggest that the Commission changed its approach in the meantime.
[119] Ibid. My italics.
[120] Craufurd Smith (2004a): 10.
[121] CEC (1998a). See also in Barnett (2001): 419.
[122] CEC (2007a): 2.

As this citation indicates, this communication is almost an exact copy of earlier Commission documents on the subject. Repeating the 1996 report almost *verbatim*, it continues:

> 'Culture' is generally recognised as complex to define. It can refer to the fine arts, including a variety of works of art, cultural goods and services. 'Culture' also has an anthropological meaning. It is the basis for a symbolic world of meanings, beliefs, values, traditions which are expressed in language, art, religion and myths. As such, it plays a fundamental role in human development and in the complex fabric of the identities and habits of individuals and communities.[123]

More than simply being an academic issue, the lack of a clear concept of culture has contributed to confusion as well as dissatisfaction over what EU cultural policy is meant to achieve. For instance, the Committee of the Regions (CoR), which regards culture much more explicitly as 'a way of life peculiar to a specific community'[124], has criticised the EU's first structural heritage preservation programme for adhering to an 'unduly narrow definition' of culture, 'favouring high culture and material objects, such as buildings and art treasures, over the symbolic and spiritual dimensions of culture'.[125] On the other hand, the Culture 2000 framework programme, which deliberately set out to embrace the notion of *popular* culture rather than a restricted highbrow definition of culture, was criticised for attempting to cover *too many* subjects under the heading 'culture'.[126] That the uncertain meaning of 'culture' can also lead to practical misunderstandings became apparent when the earlier noted practice of singling out 'heritage conservation' from other types of cultural activity was abolished in the first call for proposals for the new Culture Programme. As previous programmes had always given special emphasis to heritage, despite the fact that this could also be regarded as an element of the wider concept of culture, this sudden omission caused considerable confusion as many heritage organisations came to believe that they were no longer eligible to apply for funding, although this was in fact not the case.[127]

2.3 A pragmatic definition

In order to facilitate the analysis of the objectives of EU cultural policy, it is necessary to determine the scope of EU cultural policy, and with that the scope of this study. Although EU cultural policy potentially encompasses a very wide range of activities, I propose that a pragmatic distinction can be made between a wider cultural policy that includes actions taken in all other policy areas, and a more narrowly defined cultural policy *as such*, which covers those actions taken with a decidedly cultural purpose.

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[123] Idem: 3.
[124] Cited in Barnett (2001): 417.
[125] See Craufurd Smith (2004b): 66.
[126] As stated in CEC (1998b): 3.
[127] A concern expressed by a representative of a European heritage organisation in an interview with the author.

The fullest extent of EU cultural policy is best illustrated in a 2007 Commission staff working document, *Inventory of Community actions in the field of culture*, which lists all existing EU policies and programmes that 'support culture in the large sense in a direct and indirect way'.[128] It includes the following policy areas:

- Culture, Education and Youth
- Communication
- Regional Development
- Agriculture and Sustainable Development
- Employment, Social Affairs and Equal Opportunities
- Media and Audiovisual Industries
- Information Society and Research
- Competition Policy
- Internal Market
- Maritime Policy
- Trade Policy
- External Relations and Development

An earlier overview of Community policies containing 'cultural aspects', published in 1996, had already led the Commission to conclude that 'a great majority of the policies and actions implemented by the Community now include a cultural dimension or have an impact on certain cultural fields'.[129] The same report also stressed that the

> operations implemented are not, or are rarely covered by a specific policy which is a response to the tasks assigned to the Community in the cultural field. They do not correspond to a cultural project and have few or no Community cultural objectives.[130]

It should be noted, however, that this report reflected solely on actions and policy developments within *other* fields of policy, such as the impact of internal market regulations on artists and cultural works and the role of culture within the EU's regional programmes. While many of these actions can in practice be found to interact with a more narrowly defined cultural policy and may certainly have a significant impact on the cultural field – especially in a financially sense, as argued compellingly by a number of studies[131] – supporting culture is a secondary effect rather than the main purpose of these actions. Following a distinction made by the Commission itself, three kinds of activity in the cultural field can be distinguished:

1) activities with an essentially cultural purpose;
2) activities in pursuit of other objectives laid out in the Treaty, but with a direct bearing on culture;
3) activities serving other purposes, but with a direct or indirect impact on culture.[132]

[128] CEC (2007b): 3.
[129] CEC (1996a): part V: 1.
[130] Ibid.
[131] See e.g. Evans & Foord (1999).
[132] CEC (1995): 3.

Activities of the second and third kind can be regarded as *indirect* cultural policy, which sets them apart from *direct* activities such as the programmes in support of cultural heritage, artistic production and books and reading, which make up the first kind.[133]

As the previous chapter has shown, a wider interpretation of the scope of EU cultural policy can reveal a large number of policy objectives, most of which are related to the different objectives of the policy areas to which culture is indirectly connected. However, given the large number of connected policy areas, it would be too ambitious for this study to address *all* areas in which cultural concerns play a role. I will therefore consider only the objectives of the more narrowly defined EU cultural policy as represented by the direct actions. This means that a more clearly established administrative focus is required as well. While indirect actions fall under the responsibility of a wide range of different Directorates General (for instance, the Structural Funds are managed by the DG for Regional Policy) *direct* cultural policy actions as they are considered in this study all fall within the remit of a single administrative unit for culture, which is currently part of the DG for Education and Culture (DG EAC).[134] As the purpose of this study is to examine the objectives of EU cultural policy *narrowly defined*, it is the policy developed under the heading of the Culture Unit that I will regard as the core of EU cultural policy.

Examining EU cultural policy as the actions of this culture unit means that the scope of this research can be clearly delimited: cultural policy actions will be considered, while actions that are developed in a number of other policy areas will be left out. But while this distinction can be relatively straightforward in some cases, such as regional or social policy, it remains somewhat unclear in the case of the other policy areas that fall under the umbrella of the DG EAC, as policy does not always clearly originate from the unit, but rather from the wider DG. In its current form, DG EAC is responsible not only for the field of culture, but also for the related policy areas of education and training, multilingualism, youth, citizenship and sport, which may all be regarded as forms of cultural policy if a wider definition is used. In fact, some of the programmes developed in these areas contain specific cultural elements. As part of the EU's education and training policy, the Socrates programme promotes cultural and linguistic diversity and language learning at European schools and universities, while the Leonardo da Vinci programme offers vocational training to cultural operators and supports the development of cultural exchanges. Youth in Action, the main programme in the field of youth policy, finances , amongst other things, youth exchanges on cultural themes,

[133] The 2007 inventory covered both *direct* and *indirect* actions. The main purpose of the 1996 study was to explore the implications of the Article 151(4), which will be discussed in chapter 5.

[134] The Culture Unit, established in 1973, was originally part of DG XII *Research, Science and Education*. In 1986, it was included in the DG X 'Information and Culture' (later 'Information, Communication, Culture and Audiovisual'). In the 1999 reorganisation of the administration, the Culture Unit was again combined with education under the DG *Education and Culture*. In 2007, a further reorganisation led to the creation of two separate units. The first of these deals with the development of EU cultural policy, while the second is directed at the Culture Programme and additional cultural actions.

youth arts initiatives and the participation of young Europeans in voluntary cultural restoration projects, in order to promote and foster a better understanding of Europe's cultural and linguistic diversity. Finally, the Europe for Citizens programme, which aims to promote active European citizenship, strongly emphasises the common European heritage, promoting for instance intercultural exchanges to improve mutual knowledge of the culture and history of the European peoples, as well as the preservation of sites and archives associated with the victims of Nazism and Stalinism.[135] However, as these and other programmes have been separated in the organisational structure of the DG EAC, none of these actions will be considered as part of EU cultural policy.

This narrow approach also means that policy and actions in the audiovisual sphere will not be considered. Film policy in particular is often part of the cultural policies of the Member States and the two areas certainly have common characteristics, as recognised by the Treaty, which calls for action in the field of 'artistic and literary creation, *including* in the audiovisual sector'.[136] However, at the administrative level the two have for the most been treated as distinct, if related, areas.[137] Although for many years both fell under the scope of the same DG, both fields operated through their own programmes and with individual budgets.[138]

Finally, the fact that the main focus of this study is on the direct actions does not mean that the wider scope of cultural policy can be disregarded altogether. In order to understand the development of EU cultural policy, it is necessary to take into account the beginnings of EU involvement in the cultural field in the 1970s and 1980s. As will be discussed in Chapter 4, prior to the Treaty of Maastricht most actions in the cultural field were by necessity connected to other policy concerns. For this reason, this chapter will also consider some of the more indirect actions taken in this period.

2.4 Is there such a thing as EU cultural policy?

While the above has established the scope of EU involvement in the cultural field, at least for the purpose of this study, the question whether or not this should be regarded as a form of cultural *policy* or not is a contested issue in itself. In fact, from the very start of its involvement in the cultural field, the Commission has stated that it was undertaking 'activities in the cultural sector' but had no intention of developing a common EU cultural policy, as this was a

[135] This final element was originally envisaged as part of the Culture Programme (2007-2013). See also chapter 8.
[136] Article 151(2) EC. My italics
[137] See Obuljen (2006): 30.
[138] From 1986 on, the now dissolved DG X was responsible for culture and the audiovisual sector, as well as information and communication policy. After a general reorganisation of the DGs under the Prodi Commission, the audiovisual field was incorporated within the new DG Information Society and Media, while culture became part of the DG EAC. However, the two areas remain closely related, as can be seen in the fact that the Executive Agency that manages the Culture Programme (EACEA) is also partly responsible for the management of the MEDIA Programme.

sovereign matter for the Member States. In its first communication on culture (1977), the Commission stated explicitly that '[j]ust as the "cultural sector" is not in itself "culture", so Community action in the cultural sector does not constitute a cultural policy'[139], a position that it maintained all through the 1980s, at least in official documents. And even when, by the end of the decade, the concept of 'cultural policy' did finally become part of the Commission's discourse (although still strictly used between double inverted commas[140]), the phrasing of the EU's activities in the cultural field remained a sensitive issue. This is poignantly illustrated by the fact that an EP amendment to the Commission's proposal for the Culture 2000 programme, intended to replace the programme's description as an instrument for 'cultural *cooperation*' by 'cultural *policy'*, was turned down 'on the basis that there were no grounds in the TEU for the EU to take the role allocated properly to the member-states'.[141] According to Banús this reveals an acceptance on the part of the Commission 'that a cultural policy does not exist or, at least, would not be accepted by the Council'.[142]

The latter, then, may be read as an indication that the Commission's initial reluctance to refer to its own actions as cultural *policy* had more to do with the sensitivity of this phrase to the Member States, which may have regarded the development of a European policy as a threat to their own sovereign policies in this field, than with a real believe that its actions in the field did not constitute anything like a *policy* as such. At the same time, EU policy-makers, cultural stakeholders and academic observers alike have observed that for many years there was hardly any real 'policy' to speak of, as there was no proper strategy underlying the EU's actions in the field. According to one senior official of the Commission's culture unit,

> it was even a very bad word, to speak about policy, [as] there was no comprehensive analysis of the role of culture in the European project. There was no comprehensive vision in the Commission about how this should be addressed.[143]

In recent years, however, this view appears to be changing, and the use of the phrase 'cultural policy' is becoming more and more accepted, as exemplified by the fact that, after its defeat on the Culture 2000 proposals, the EP finally managed to include references to cultural policy in the final decision on the new Culture Programme (2007-2013).[144] Perhaps even more significant has been the publication in 2007 of the Commission's *Communication on a European agenda for culture in a globalizing world*, which is widely regarded as a first step towards the development of a comprehensive EU approach to the field of culture. Whether or not this process will result in a comprehensive

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[139] CEC (1977): 5.
[140] For instance, in a 1988 document, the Commission stated that since 1977 it had 'developed a "cultural policy" which has helped to boost people's awareness of a European cultural identity' (CEC (1988): 11). See Ellmeier (1998): 126, footnote 121.
[141] Barnett (2001): 414. For the EP's proposed amendment, see: *OJ* C 359/28, 23 November 1998.
[142] Banús (2002): 161.
[143] In an interview with the author.
[144] EP (2005).

cultural policy remains to be seen, but as one observer remarked, at least 'there is a debate about the desirability of cultural policy. […] the communication really dares to utter that word, which was not *bon ton* in Brussels several years ago'.[145]

However, the facts that the EU's actions in the cultural field were not officially referred to as 'policy' until very recent and that a strategic vision appeared to be lacking does not necessarily prohibit the possibility of objectively referring to them as policy. As a representative of one of the main European cultural networks stated in an interview with the author, 'not having a clearly stated policy but [only] programmes, still makes it a cultural policy by default. Not having a budget big enough is also a cultural policy by default'.[146] In other words, whether it is called policy or not, the actions taken by the EU in the cultural field still involve policy decisions, which are the result of more or less goal-oriented reasoning.

As will be discussed in the next chapter, this latter idea, referred to as 'the pursuit of goals'[147], is dominant in most definitions of public policy. For instance, Lasswell and Kaplan define policy as 'a projected program of goals, values and practices', Titmuss describes it as 'the principles that govern action directed towards given ends', and Friedrich puts it even more strongly by saying that '[i]t is essential for the policy concept that there be a goal, objective or purpose'.[148] Although it may not always be easy to establish what the goals of a certain policy are, as these are often vague and ambiguous, and a policy can be found to pursue objectives that at times are overlapping and even contradicting[149], what matters is that policy is not the result of random, unintentional behaviour on the part of the EU's institutions, but is concerned with what Anderson has called 'purposive or goal-oriented action'.[150] Thus, following Volkerling's assertion that all 'purposive action by the state in the cultural field' can be regarded as cultural policy[151], this study will start from the premise that the EU's actions in the cultural field can in fact be regarded as EU cultural policy. As a consequence, the task of this research is not to determine *if* there is a goal, objective or purpose underlying these actions, but rather, starting from the assumption that EU cultural policy *has* an objective, *what* this is.

[145] In an interview with the author.
[146] In an interview with the author.
[147] Colebatch (2002): 49.
[148] Cited in Colebatch (2002): 49.
[149] See for instance Colebatch (2002): 51-52.
[150] Anderson (1975): 3.
[151] Volkerling (1996): 189.

CHAPTER 3
EU POLICY-MAKING IN THE CULTURAL FIELD

An understanding of the EU policy-making process can be a practical tool for analysing the objectives underlying EU cultural policy. Through a discussion of the constituent parts of the EU policy process, this chapter aims to provide a frame in which to set up the discussion of the development of the EU's cultural policy and the objectives underlying these. It will begin by highlighting some of the constituent elements of public policy. Secondly, the policy cycle framework will be introduced as a useful way to approach the policy-making process. Some key features of the various stages of the cycle will be discussed, with specific attention for agenda-setting, policy formulation and decision-making as the main stages where policy objectives may come into play. Finally, attention will be paid to the particularities of policy-making within the EU, especially as far as these are relevant for policy-making in the cultural sector.

3.1 Some constituent elements of public policy

As has been noted at the end of the previous chapter, most definitions of public policy consider 'purposiveness' to be a key component of what makes something a policy. However, the idea that policy entails the pursuit of goals has not been without criticism. For instance, Dye has pointed out that 'we can never be sure whether or not a particular action has a goal, or if it does, what the goal is', and that, although it may be assumed that governments undertake goal-oriented actions, 'we know that all too frequently they do not'. Instead, he proposes to define policy as 'whatever governments choose to do or not to do'.[152] Likewise, disagreement exists about many other definitional elements, such as the 'intendedness' of policy, how policy is driven forward, and whether single actions or non-actions can be considered policy as well.

The aim of this chapter is not to review the conceptual discussion of what public policy is. How the concept is understood in this study has already been explained in the second chapter. Here it will suffice to highlight some of the underlying ideas about the nature of public policy. By highlighting some of the constituent elements of public policy and the policy-making process, a framework for research can be developed, which can be used to examine the objectives underlying EU cultural policy.

To begin with, Anderson's definition of policy, although not fully accepted by all, does provide some useful clues towards an operational definition of the concept. Anderson defines policy as 'a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern', while *public* policies are defined as 'those policies developed by a government'.[153] A

[152] Dye (2008): 9. For more criticism of this idea, see e.g. Colebatch (2002: 49-66), Jenkins-Smith (1990) and March & Olsen (1989).
[153] Anderson (1975): 3.

number of constituent elements can be extracted from this definition. In addition to policy being purpose-driven, Anderson presents policy as a course of action rather than 'separate discrete decisions'.[154] A *decision*, according to Anderson, is merely 'a choice among competing alternatives', whereas *policy* also involves subsequent decisions and actions regarding implementation, enforcement and so on.[155] This indicates the middle position that Anderson takes up: while he agrees with Friedrich that policy is purposive, he also agrees with Dye that the concept should only be applied to what is actually done, as '[i]t seems nonsensical to regard an intention as policy without regard of what subsequently happens'.[156] Secondly, policy is made, taken or driven by an actor *or* set of actors – which in the case of *public* policy can be identified as 'government' actors; however, Anderson allows that policy development may be influenced by non-governmental actors and factors as well.[157] Thirdly, a policy can be seen as a reaction to 'a problem or matter of concern'; that is, there is a connection between action taken and the pre-existence of a certain problem requiring such action. If policy is defined as 'purposive or goal-oriented action', the purpose of this action thus seems to be to 'react' to this matter. Fourthly, policy 'may be either positive or negative in form', in other words, a decision *not* to act can be regarded as policy as well, as long as this decision was made deliberately.[158] Finally, Anderson has noted that, in its positive form, policy is based on law, and is authoritive, as it receives its legitimacy from figures of authority.[159]

Regarding policies as institutional responses to problems has become the dominant perspective in policy analysis.[160] Like Anderson, Gerston says that '[p]ublic policies spring from issues that trouble a segment of segments of society to the point of taking action'[161], while for Cochrane and Malone public policy refers to 'government decisions and actions designed to deal with a matter of public concern.'[162] Knoepfel *et al*. state that '[a]ll policies aim to resolve a public problem that is identified as such on the governmental agenda. Thus, they represent the response of the political-administrative system to a social reality that is deemed politically unacceptable'.[163] Consequently, Knoepfel *et al*. define 'public policy' as:

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[154] Ibid.
[155] Ibid.
[156] Idem: 4. For Anderson, the idea of 'action' implies that policy is about 'what governments actually do […], not what they intend to do or say they are going to do'. Thus, proposed intention in itself is not relevant, if it is not followed up by action. However, this does not necessarily mean that intention should be dismissed - earlier expressed intention does become relevant when concrete actions are taken.
[157] Idem: 3.
[158] Idem: 4. This in fact echoes the core of Dye's definition.
[159] Ibid.
[160] See Knoepfel *et al.* (2007): 21. They point out, however, that this idea is relative; on the one hand, not all instance of social change give rise to policies, while on the other hand, certain policies may be interpreted as mere instruments for the exercise of power and social group domination, instead of as actions aimed at resolving social problems.
[161] Gerston (2004): 22.
[162] Cochran & Malone (2005).
[163] Knoepfel *et al.* (2007): 21.

> a series of intentionally coherent decisions or activities taken or carried out by different public – and sometimes private – actors whose resources, institutional links and interests vary, with a view to resolving in a targeted manner a problem that is politically defined as collective in nature.[164]

This definition can be seen to build largely on the same ideas as Anderson's, in presenting policy as a course of action taken by *public* actors, but also introduces two new and important elements. First of all, it indicates that possible variations in the actors' 'resources, institutional links and interests' may play a role in policy.[165] Thus, the definition recognises that all actors do not have equal access to the policy-making process, neither do they all have similar interests; and secondly, it stresses the socially constructed nature of policy. Knoepfel *et al.* argue that the policy problem is socially and politically constructed 'because it always depends on the perceptions, representations, interests and resources of different public and private actors'.[166] A similar point has been made by Colebatch, who says that neither 'policy', nor the 'problems' to which it is addressed are natural phenomena, but that they are produced and sustained by the participants in the policy process. Thus, he concludes, the main questions to ask are: 'how is this problem perceived, and by whom, and in what way do they try to get support for action by drawing attention to the problem'.[167]

Based on the above, a number of key elements can be identified. First of all, policy can be thought to have a purpose, goal or objective, which is often to resolve a problem or matter of concern. Secondly, policy is a course of action. In other words, it is a process involving a series of decisions and actions, which can also be *non*-decisions. Thirdly, policy is socially, and hence politically, constructed. Fourthly, a multitude of actors, both public and private, play a role in this process. These can have widely differing resources, institutional links, and interests. And finally, policy is legitimised by figures of authority, and (usually) based on law. These elements will underlie the thinking in this research in relation to EU cultural policy.

3.2 Analysing the policy process: the policy cycle

As Colebatch has noted, it makes a difference whether discussing policy as an *object* (a decision or formal statement of a policy) or as a *process* (a pattern of actions), which can be seen to begin long before the formal statement and continues long after it has been proclaimed (and may not be accompanied by a formal statement at all).[168] As this research reconstructs

[164] Idem: 24.
[165] By 'resources', Knoepfel *et al.* (2007: 63) mean not only law, information and human resources (the 'prime resources'), but also financial resources, organisation, consensus, time, infrastructure, political support, and force. They argue that '[t]he availability of different resources to the actors involved in a policy process, their production, management, exploitation, combination, and even their substitution or exchange, can exert a significant influence on the processes, results and effects of a policy'.
[166] Knoepfel *et al.* (2007): 22.
[167] Colebatch (2002): 82-83.
[168] See: Colebatch (2002): 110-111.

the development of EU cultural policy over a period of time, it is concerned primarily with the process, and not so much with the outcome. The most common way of approaching policy-making as a process is through the framework of the policy cycle, which sets out the process in a number of stages.[169] Below, a brief discussion will be given of the policy cycle as a framework for policy analysis, as well as the issues that arise in the various stages of the cycle, with specific attention paid to the stages where policy objectives might be expected to come into play.

The policy cycle framework is conventionally seen as consisting of five functionally and temporally distinct stages, which can be identified as 1) agenda-setting, 2) policy formulation, 3) decision-making, 4) policy implementation, and 5) policy evaluation. This framework, however, has been heavily criticised for offering an oversimplified and artificial representation of the policy process. The general criticism is summed up by Parsons as follows:

> The real world […] is far more complicated and not composed of tidy, neat steps, phases or cycles. The idea of dividing up policy-making in such a way greatly overstates the rational nature of policy-making and gives a false picture of a process which is not a conveyor belt in which agenda-setting takes place at one end of the line and implementation and evaluation occurs at the other.[170]

In reality, critics have argued, policy-making is not as clear-cut or linear as the policy cycle model seems to suggest. For instance, stages can be so compressed that it is difficult to distinguish between them, they may follow each other in different sequences, or can sometimes be skipped altogether. Furthermore, the model is generally seen as implying a *top-down* perspective, regarding policy-making as 'a hierarchical steering by superior institutions', while neglecting other actors that may be involved in the process.[171] In addition to that, multiple levels of government can be involved in the process, and it has thus been suggested that the model should be seen as consisting of multiple, interacting policy cycles instead. Finally, the policy cycle approach hardly takes into account the role of earlier policies, or the interaction between the various cycles, stages and actors. [172]

Sabatier and Jenkins-Smith have specifically criticised the conceptual value of the policy cycle framework, pointing out that it does not provide any causal explanation of how and why policy moves from one stage of the cycle to the next and that it cannot be tested on an empirical basis. For this reason they have dismissed the policy cycle as a useful theoretical framework of the policy process.[173] But while they argue that the policy cycle framework 'has outlived

[169] The policy cycle framework has its roots in the early work of both Lasswell and Easton, but has been expanded by many others. The stages used here have been taken primarily from the model as presented in Jann & Wegrich (2007): 43.
[170] Parsons (1995): 79.
[171] Jann & Wegrich (2007): 56.
[172] For a detailed critique of the model, see e.g. Sabatier & Jenkins-Smith (eds.) (1993): 3-4.
[173] However, as Mayntz has argued, 'policy research is not only, and frequently not primarily concerned with the application of the analytical scientific theory […]. Instead, the detailed and differentiated understanding of the internal dynamic and peculiarities of complex processes of

its usefulness and needs to be replaced or substantially revised'[174], they *do* admit that the policy cycle framework 'has *heuristic* value in dividing the policy process into manageable units for analysis'[175], a point that has also been made by Hill, who finds that the main advantage of the model is that 'it offers a way of chopping up, if only for the purposes of analysis, a complex and elaborate process'.[176] Furthermore, Hill accepts that the model, although its use can be misleading, can nevertheless be useful in recognising that there 'somewhat different things to say' about the various stages in the process. [177]

One useful way of overcoming some of the obvious limitations of the policy cycle framework has been offered by Howlett and Ramesh. They have suggested that although in the reality of policy-making 'there is often no linear progression as conceived by the model'[178], the policy cycle can still be a useful tool for studying the policy-making process if it is expanded by a number of additional complexities.[179] Specific attention then needs to be paid to three elements. Firstly, they point at the differing roles of policy actors, their interests and the impact of their ideas. The policy process involves a multitude of actors, who may or may not have similar interests. At the same time, Howlett and Ramesh argue that the actors 'are not completely independent and self-determining', as their behaviour is constrained by 'a set of existing social relations'.[180] As already indicated above, similar observations have been made by Knoepfel *et al.*, who point at the possible variations in the actors' 'resources, institutional links and interests'. Combining the two, it is thus necessary to identify the actors involved and to establish their specific roles in the process, as well as the interests they pursue and the social relations existing between them, and additionally the resources they have available (for instance, financial instruments, political support, access to information, but also the available legal instruments, or the ability to use force).

Secondly, Howlett and Ramesh argue that policy actors are not only constrained by their social relations, but also by the context of societal, state and international institutions and the values these embody. These contextual constraints determine how a problem is defined, facilitate the adoption of certain solutions, and prohibit and inhibit the choice of other solutions. Thus, it is relevant to pay attention to the organisation of both state and society, as well as the international context (focusing on the institutional rules and arrangements, how the relevant international systems are organised, etc). Additional constraints are to be found in the sets of ideas and beliefs

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policy-making counts as distinctive and relevant objectives of policy research' (cited in Jann & Wegrich (2007): 57).

[174] Sabatier & Jenkins-Smith (1993): 4. In addition to their 'advocacy coalition framework', a number of other approaches has been proposed as alternatives to the policy cycle, such as the multiple-stream framework, institutional rational choice approach, policy diffusion models and punctuated equilibrium theory.

[175] Sabatier & Jenkins-Smith (eds.) (1993): 3; my italics.

[176] Hill (2005): 20.

[177] Idem: 21.

[178] Howlett & Ramesh (1995): 12.

[179] Idem: 12-13.

[180] Idem: 13.

surrounding a policy problem (the policy discourse), and the range of instruments (for instance, the resources noted by Knoepfel *et al.*) available to policy-makers. Finally, Howlett and Ramesh point at the impact of past experiences. Problems and solutions have often already been discussed in the past, and in some cases decisions to act (or not to act) may have already been made at an earlier stage. As these will have an impact on present and future behaviour of policy-makers, such past experiences should be taken into account as well.[181]

As Howlett and Ramesh suggest, as long as the limitations of the policy cycle framework are acknowledged and the above complexities are brought into play at each stage of the cycle, the basic elements of the model can still be used to simplify the subject and structure the analysis of policy. The policy cycle should thus be used as a framework, not as a rigid, mechanical grid, and should always involve 'addressing a distinct set of questions about actors, institutions, instruments, and discourses' as well.[182] In this way, the policy cycle framework can be 'an aid in the quest to understand the decisions taken in the context of a policy', as Knoepfel *et al.* put it.[183]

Relevant stages in the policy process

When adapted, the stages model can be a useful tool for analysing the objectives of EU cultural policy. However, it may not be relevant to take the full policy cycle into account. The main question to ask here is at which stage(s) in the policy-making process objectives can be expected to play a role. For this purpose it may be useful to split the stages model into two broader phases of analysis: one leading up to and including the adoption of a policy ('policy formulation' in a general sense, including the identified phases of agenda-setting, policy formulation and decision-making), and one starting once the policy has been adopted (including policy implementation and evaluation). This study is not concerned with determining the effects or measuring the results of EU cultural policy, but primarily with reconstructing how and why this policy came into being. As such, the focus will be on the processes leading up to existing policies, rather than the analysis of policy outcomes.

If the resolution of a problem or matter of concern is seen as the purpose of a policy, then it is to be expected that the phases preceding the implementation of a policy will be of particular importance here. Thus, the most likely stages in which policy objectives are formulated are the stages of agenda-setting, policy formulation and decision-making. Nevertheless, the relevance of the later stages in the process should not be underestimated. Not only can they include indications as to the underlying policy objectives, but policy objectives may in fact change depending on the outcome of the evaluation stage, resulting in the start of a new policy cycle. Nevertheless, the formulation of objectives takes place primarily in the first phases. In the following section, I will look at

[181] This can be seen as an extra argument against seeing the policy cycle as a closed, linear model.
[182] Howlett & Ramesh (1995): 13.
[183] Knoepfel *et al.* (2007): 30.

some of the key characteristics of these stages in relation to the development of policy objectives.

Agenda-setting is a crucial stage in the policy process, as '[b]y definition, no policy can be made if the issue to which it is addressed can not first be placed onto the active agenda of a governmental institution'.[184] Birkland defines agenda-setting as 'the process by which problems and alternative solutions gain or lose public and elite attention'[185], while Immergut has described it as an initial crucial 'veto point' at which is determined if policy interventions will be considered or turned down.[186] However, agenda-setting is more than a simple decision whether or not to consider an issue. Before an issue can be placed on the agenda, or can be prevented from being placed there, it is necessary that it is recognised as an issue worthy of consideration to begin with. As Parsons puts it, '[t]he genesis of a policy involves the recognition of a problem'.[187] This preliminary stage of problem recognition thus necessarily precedes the actual agenda-setting phase. However, defining an issue as problematic is far from straightforward, because, says Parsons, '[w]e may all agree what an issue is but disagree as to what exactly the problem is, and therefore what policy should be pursued. […] facts are things that never speak for themselves; they require an interpreter'.[188]

Attention should thus be paid to the socially constructed nature of problems, and the role this plays in the agenda-setting process. As Knoepfler *et al.* say, the 'definition of a problem always represents a collective construction directly linked to the perceptions, representations, interests and values of the actors concerned on an individual basis and/or as part of organised groups'.[189] This is not to deny that problematic issues may result from objective conditions, but to stress 'that these established facts only represent one of the dimensions - even if it proves fundamental in some cases - that constitute a social problem'.[190] This means that for the analysis of this stage, it is important to identify the actors who define a certain issue as worthy of consideration, as well as the arguments they use. As Birkland says, '[p]roblems can be defined and depicted in many different ways, depending on the goals of the proponent of the particular depiction of a problem and the nature of the problem and the political debate'[191], while Peters stresses that not only can issues be conceptualised in different ways to make them more or less attractive to policy-makers, thus helping to place them on the policy agenda, but that this construction will also 'determine which set of decision-making institutions will process the issue, and therefore to some extent determine its fate'.[192] Thus,

[184] Peters (2001): 78.
[185] Birkland (2007): 63.
[186] Immergut (1992), cited in Peters (2001): 78.
[187] Parsons (1995): 87.
[188] Ibid.
[189] Knoepfel *et al.* (2007): 126. According to the constructivist approach, all social problems, and to a greater extent all public problems, are collective constructs. As Cobb & Elder (1983) say, 'it is reasonable to assume that no objective fact constitutes a problem in itself' (cited in Knoepfel *et al*. (2007): 126).
[190] Idem.
[191] Birkland (2007): 71.
[192] Peters (2001): 78.

how an issue is defined at this stage may have important consequences not only for the agenda-setting stage, but also for the way it may be dealt with later on in the policy-making process. In the words of DeLeon: 'the problem definition stage frames and generates virtually everything that follows in the policy process'.[193]

Due to the limited resources available to society and its political institutions, not all existing problems will be able to receive the same level of attention, and some may not be recognised as problems at all. Agenda-setting is a very competitive selection process where strong competition exists between (groups of) actors wanting to move issues up on the agenda in order to seek policy change, and with those aiming to keep issues off the agenda in order to prevent change – or at least the change promoted by another party.[194] But, as Birkland says, '[e]ven when an issue gains attention, groups must fight to ensure that their depiction of the issue remains in the forefront and that their preferred approaches to the problem are those that are most actively considered'.[195] This is the case because, as Schattschneider has argued, 'the group that successfully describes a problem will also be the one that defines the solutions to it, thereby prevailing in the policy debate'.[196] The agenda-setting process can thus be best described as a political power struggle, in which some groups are more powerful than others.[197] This does not necessarily mean that they make the most persuasive argument (neither rhetorically nor empirically), but simply that they are better able to influence the outcome of policy debates.[198]

Once an issue has been moved onto the policy agenda, it can move further through the stages of policy formulation and decision-making. It is not always possible to make a clear-cut separation between the two, since 'policies will not always be formalized into separate programs'.[199] For this reason, both may be considered as sub-stages of a single stage of the policy cycle which may be referred to as the *policy programming* stage. In general terms, this stage revolves around the formulation and formal adoption of a 'set of regulatory acts and norms that parliaments, governments and the authorities charged with execution consider necessary for the implementation of a public policy'.[200] Here, however, I will highlight the policy formulation stage primarily, in order to emphasise the important effect that this earlier stage has on the final decision-making. Sidney has argued that policy formulation is of particular importance as 'designing the alternatives that decision makers will consider directly influences the ultimate policy choice'.[201] Making a distinction between the two phases thus stresses that it is not merely the final decision

[193] DeLeon, cited in Knoepfel *et al.* (2007): 125.
[194] See: Birkland (2007): 65.
[195] Birkland (2007): 63.
[196] See idem: 63.
[197] See also: Jann & Wegrich (2007): 45.
[198] Birkland (2007): 65. For a further discussion of the factors influencing how certain issues move up on the agenda and the associated ideal-typical patterns of agenda-setting that can be distinguished, see Knoepfel *et al.* (2007: 139-147).
[199] Jann & Wegrich (2007): 48. A similar view is held by Knoepfel *et al*. (2007): 151.
[200] Knoepfel *et al* (2007): 151.
[201] Sidney (2007): 79.

that needs to be looked at, but also the actual solutions proposed, their alternatives, and the reasons why certain options were adopted or not. Jann and Wegrich, who regard both phases as closely interconnected, do acknowledge the importance of the formulation phase when they say that 'the processes in the preliminary stages of decision-making strongly influence the final outcome and very often shape the policy to a larger extend than the final processes within the parliamentary arena'.[202]

At this stage in the policy-making process, the definition of policy objectives plays a key role. Policy formulation revolves around defining 'what should be achieved with the policy' and considering various alternative actions to be taken to achieve these objectives, before settling on a final decision as to the specific kind of action that is to be taken.[203] Once an issue reaches this stage, it has already been recognised and defined as a problem. The actual policy formulation stage then involves the identification of 'a range of broad approaches' to address this problem, as well as the designation of 'the specific sets of policy tools that constitute each approach' and the drafting of 'the legislative or regulatory language for each alternative' (that is, describing the form that each alternative may take, the actors or situation they will be directed at, and when they will take effect).[204] Once a wide range of possible solutions has been established, this needs to be narrowed down to a smaller number, through the application of 'some set of criteria', for instance 'judging their feasibility, political acceptability, costs, benefits, and such'.[205] It is from this second set of alternatives that the final policy solution will then be adopted. Once adopted, the final outcome of the policy programming stage, the policy decision, describes not only the objectives of a policy but also the instruments to be used to achieve these objectives[206] as well as a range of institutional provisions.[207] Finally, it may contain instructions regarding the policy's evaluation.[208]

Distinguishing between the phases of agenda-setting on the one hand and policy programming (that is, both formulation and decision-making) on the other hand can be particularly relevant as the make up of processes and actors involved can change between the different phases. Whereas agenda-setting is often, though not necessarily always, a public affair, policy formulation usually takes place at a greater distance from the public eye, and generally involves a smaller number of participants, which are however often

[202] Jann & Wegrich (2007): 49.
[203] Idem: 48.
[204] Sidney (2007): 79.
[205] Ibid.
[206] The choice of instruments is dependent on the mode of intervention selected. Knoepfel *et al*.(2007: 151 and further) distinguish between regulations (with as possible instruments: bans, obligations and the allocation of various limited rights), incentives (taxation, tax relief, subsidies), persuasive actions (using information strategies to convince target groups) and direct supply of goods and services to the public (such as the distribution of many social benefits).
[207] The latter may include the specific institutional rules that apply to the policy's implementation, the designation of the competent authorities and administrative services, and the resources necessary to implement new activities, stipulations regarding the distribution of competencies within a policy, and a number of standardised administrative instruments.
[208] See Knoepfel *et al.* (2007): 171.

more specialised in the problem at hand. Because of this, policy-formulation has been referred to as a 'back-room function'.[209] Although ministerial bureaucracy and top civil servants often play a crucial role in this process, it is not uncommon for a wider range of actors to remain involved, especially as the formal decision-making on specific policies is often 'preceded by a more or less informal process of negotiated policy formation, with ministerial departments (and the units within the departments), organized interest groups and, depending on the political system, elected members of parliaments and their associates as major players'.[210] Finally, like agenda-setting, the policy programming stage is often characterised by conflict and power play.[211]

3.3 Characteristics of the EU policy-making process

As a large number of authors have identified, describing policy-making in the EU is a highly difficult task. Understanding this process is especially complex for two reasons, as McCormick has noted:

> Not only is its administrative structure quite different from those found in conventional states, but there is no agreement on how to characterize the EU, which is in a constant state of evolution: its rules change, its membership changes, its policy agenda changes, and its priorities are frequently redefined.[212]

One of the most defining complexities of the EU policy process is the wide variety of different procedures and practices that can be found to apply to the different policy areas. Numerous case studies have clearly illustrated that it is impossible to identify a standardised pattern of EU policy-making.[213] As Nugent has concluded, 'one of the few things that can be said with certainty about EU processes is that they are many, complex and varied'.[214] While this may be true of many national policy-making procedures as well, Nugent notes that it is 'the sheer range and complexity of its processes' that singles out the EU as a unique case.[215]

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[209] Sidney (2007): 79.
[210] Jann & Wegrich (2007): 49
[211] Political scientists like Lindblom and Wildavsky have argued that decision-making not only exists of collecting and processing information, but more importantly revolves around conflict resolution within and between public and private actors and government departments. As an example of this, Mayntz & Scharpf have described interdepartmental interaction as a typical process of reactive policy-making, which is usually based on *negative* coordination (sequenced participation of the various departments *after* the drafting of a programme) rather than more ambitious and complex attempts at *positive* coordination, that is, the pooling of suggested policy solutions as part of the drafting process itself. See Jann & Wegrich (2007): 49.
[212] McCormick (2008): 247.
[213] See for instance the case studies in Wallace, Wallace & Pollack (eds.) (2005). By way of illustration, the Constitutional Convention identified a total of 28 distinct procedures that have been established in the Treaties (see Nugent (2006): 417).
[214] Nugent (2006): 349.
[215] Idem: 393.

For a long time it was thought that the so-called 'Community Method' of policy-making, a largely supranational and functionalist procedure that had been applied to the earliest areas of European integration and in which policies were formulated by the Commission and final decisions were taken by the Council, with an advisory role for the EP, was developing as the standard procedure. However, not only was this mode altered significantly by the strengthened role of the EP in the 1980s, but to a certain extent it was overtaken by newly developed procedures in other policy areas.[216] Wallace and Wallace have argued that it is now possible to distinguish five ideal-typical policy modes that roughly apply to different policy areas, although the same policy area may be addressed by more than one mode and policy areas may in fact move between modes.[217] For instance, an 'EU regulatory mode', in which policies are developed primarily through the generation of an over-arching regulatory framework, can be seen to operate in the case of single market issues and environmental policy, while areas like cohesion policy have been developed through an 'EU distributional mode'.[218] While the Commission features relatively prominently in these two modes, the Member States play a much bigger role in the 'policy coordination' mode, more commonly referred to as the 'Open Method of Coordination' (OMC), which has been expanding since the late 1990s. Unlike the other modes, the OMC is not based on 'hard law', but on the development and sharing of best practices among the Member States. It has been used predominantly in policy areas such as employment and social welfare, where the EU has only limited powers and the objective of policy activities is not so much to establish a single common policy, as to share experience and learn from each other.[219] Finally, 'intensive transgovernmentalism' is the dominant mode in 'domains that touch sensitive issues of state sovereignty', such as monetary and foreign policies.[220] In this mode, which is 'widely regarded as a weaker and much less constraining form of policy development'[221], policy coordination takes place between the relevant policy-makers at the national level, with a strong guiding role for the heads of states (in the European Council), while policy development is mainly managed by the Council. The Commission may have only a marginal role to play, whereas the EP and the ECJ are largely sidelined, as they are in the OMC.

As this short exploration of different policy types indicates, the roles and powers of the institutional actors vary greatly between different policy areas.

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[216] Wallace & Wallace (2006: 343) have noted that 'It is striking that there are few recent examples of new common policies being introduced according to versions of the traditional Community method, with a centralized and hierarchical institutional process, with clear delegation of powers and aimed at 'positive integration'. The single currency is perhaps the most apt example'.

[217] Idem: 341.

[218] Idem: 345. However, they note that changes and limits to this mode have already become observable, and that it has become much harder to identify this as a single coherent mode.

[219] Idem: 350.

[220] Idem: 351. This mode generally applies to policy areas that fall outside the EC pillar. Since the Treaty of Maastricht, EU policies have been divided into three pillars; as culture falls under the first pillar, known as the EC pillar, from now on I will focus only on processes applying to this pillar. Thus, the second (Common Foreign and Security Policy) and third (Justice and Home Affairs) pillars will not be discussed.

[221] Ibid.

One of the main reasons for this has been the fact that the EU policy system has developed as a 'compromise' between the various policy approaches of its Member States, with each of these trying to promote its own preferred approach as the standard.[222] While some Member States have been open to supranational styles of policy development, others have tended to prefer intergovernmental approaches, and depending on the policy area at stake, concerns over loss of national sovereignty have played a bigger or lesser role. As a result, a highly fragmented policy system has come into being, in which 'both member states and supranational institutions 'matter' […] but their respective roles and influence remains highly variable'.[223] This makes it hard to make any general statements regarding the importance of the various actors involved at any time. As Nugent notes, 'so variable and fluid are EU policy processes that the nature of the responsibilities and roles may differ considerably according to circumstances'.[224]

The instability of the EU's institutional design, which is 'subject to periodic debate, argument and revision', has been regarded as a key feature of the EU policy process.[225]The power of the EU's main institutions, as well as their interrelationships, have been subject to changes not only depending on the subject area, but over time as well.[226] For instance, the introduction of the cooperation and co-decision procedures (in the Single European Act and the Treaty of Maastricht, respectively) significantly strengthened the relative power of the EP vis-à-vis the Council. At the same time, the gradual expansion of qualitative majority voting (QMV) over a larger number of policy areas had an impact on processes within the Council, with single Member States losing their effective veto powers in many areas. With regard to the relations between the institutions, the existence of political games has been noted as a key characteristic. While struggles for power and influence are a common ingredient in politics, McCormick has noted that these are magnified in the EU by the extent to which both the institutions and the Member States amongst themselves compete with each other.[227] Following Peters, these processes can be described as three sets of interconnected power games, played out at different levels: among the Member States, that try to extract as much as possible from EU while giving up as little; among the EU institutions, that try to win more power relative to one another; and within the Commission's bureaucracy, where the various DGs have been developing their own organisational cultures and are competing for policy space.[228]

On the other hand, Nugent maintains that the extent of the disagreements and disputes between the institutions should not be exaggerated, and that inter-institutional cooperation still is a key feature in the EU policy-making process. EU policy processes are highly dependent on intensive cooperation for any progress to be made, and as such conflicts are not in the institutions' own

[222] See e.g. Andersen, Eliassen & Sitter (2001): 31.
[223] Pollack (2005): 46.
[224] Nugent (2006): 392.
[225] Wallace (2005): 50.
[226] See Mazey & Richardson (1995): 348.
[227] McCormick (2008): 259.
[228] Ibid.

interests. Nugent points at the existence of many informal contacts between the institutions and the existence of the co-decision procedure as an illustration of the growth of inter-institutional cooperation.[229] With regard to the existence of power struggles between the Member States, he argues that policy-making in the EU is 'frequently heavily dependent on key actors, especially governments, being prepared to compromise', in order for policy development to take place.[230] Thus, he notes that Member States are often willing to accept 'losses' in some areas in order to gain in other fields, in a process of 'package deals' that keeps the policy development process going.

Other authors have also identified this high degree of compromise and consensus-seeking as a key characteristic of the EU policy process. Andersen, Eliassen and Sitter, for instance, conclude that policy-making at the lower (bureaucratic, technocratic) levels of the Commission and the Council is 'largely consensual'.[231] In the case of the Commission this is not a surprising feature, as its staff is supposed to have the best interest of the EU as a whole in mind, instead of (possibly conflicting) national interests – although Andersen, Eliassen and Sitter do note that 'the Commission is becoming increasingly fragmented along sectoral (not national) lines, as the DGs develop 'administrative cultures''.[232] But also at the Council's COREPER level they note that the loyalty of national representatives towards their own governments is often 'supplemented by a disposition to achieving results', thus generating 'consensual politics rather than 'hard bargaining''. This is exemplified by the fact that for the majority of Council decisions, agreement is reached at this lower level, that is, without actual discussions and negotiations needing to take place at ministerial level.[233]

This consensus-seeking attitude is supported by another characteristic feature of the EU policy process as well: its relative openness to a wide variety of stakeholders. This openness applies especially to the Commission, which has established a range of formal and informal processes to consult with interested parties, such as the use of various advisory committees, the organising of conferences and workshops, as well as more formalised consultations in preparation of new Commission proposals. These contacts play an important role for the Commission, as it depends on external actors with expert knowledge of the details of the problem areas to inform its policies.[234] Interest groups have a role to play as useful sources of information and advice in the preparation of policy.[235] Acknowledging stakeholders as relevant parties can also help to ensure progress in policy development by reducing the occurrence of resistance against proposals. Furthermore, they can help strengthen the Commission's position in its power struggle with the other institutions. Interest groups, from their side, see lobbying the

[229] Nugent (2006): 420.
[230] Idem: 418.
[231] Andersen, Eliassen & Sitter (2001): 33.
[232] Ibid.
[233] See Andersen, Eliassen & Sitter (2001): 33-34. See also e.g. Hayes-Renshaw & Wallace (2006).
[234] Andersen & Eliassen (2001): 50-51.
[235] Mazey & Richardson (2001): 228.

Commission as the most promising way of trying to influence the policy process, given the Commission's key role in initiating and formulating legislation. Thus, as Mazey and Richardson conclude, the Commission and stakeholders 'have an especially acute, mutual interest in trying to form stable policy communities and policy networks over time'.[236]

Institutions other than the Commission may become a focal point for the lobbying activities of interest groups as well, depending on the policy area at stake. For instance, Richardson has noted that the EP has traditionally attracted 'a disproportionate amount of lobbying from certain types of groups' such as environmentalists, women's groups, consumers, animal rights groups, 'who, historically, may not have enjoyed such easy access to the Commission and/or their national governments'.[237] But as its role in the policy-making process has become more important, so has the EP gradually become a more important target for lobbyists.[238] The Council, on the other hand, is generally seen as the least directly accessible of all institutions, and as such has been described as 'the least likely target for lobbyists'.[239] Unlike the Commission, the Council 'is not *designed* to facilitate group access', as Richardson says, which makes the lobbying process much more difficult and costly. Lobbying of the Council does take place, but this is done mainly in an indirect manner. Interest groups often do not have a formalised relationship with the Council, but attempt to influence their decisions through contacts with national delegations at COREPER and working group levels, as well as through national governments, which, according to some authors, is 'the key opportunity structure through which groups can influence the EU policy process as a whole'.[240] However, as Richardson argues, 'the importance of national governments as an opportunity structure varies according to the policy issue, the type of interest group, the time, and the nature of the national government itself'.[241]

3.4 Key features of the EU policy cycle

Having examined some of the general characteristics of EU policy-making, the remainder of this chapter will focus on some more specific features of the policy process in the different stages of the policy cycle, in order to identify the main actors and processes that apply in each context, especially in relation to the field of culture.

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[236] Idem: 220.
[237] Richardson (2006): 239. Andersen & Eliassen (2001: 48) note that until the mid-1980s, industry interest groups tended to lobby the Commission, while the weaker interest groups, such as environmental, consumer, social and women's rights groups, primarily directed their activities at the EP. However, they conclude that '[f]rom the mid-1990s, both types of interests were increasingly active in relation to both institutions'. Meanwhile Mazey & Richardson (2001: 231) note that women's and environmental groups have been particularly adept in securing favourable decisions from the ECJ.
[238] Ibid.
[239] Idem: 240-241.
[240] Idem: 241.
[241] Mazey & Richardson (2001): 232.

Agenda-setting

The Commission and the European Council are generally regarded as the main agenda-setters at the European level, representing the interests of the Community and the Member States, respectively. Under the EC Treaty, the Commission is the guardian of the treaties and the only institution with the power to make legislative proposals, while the European Council has a much more important role to play in policy areas that fall under the second and third pillar. But other institutions can be seen to have important agenda-setting powers as well. Both Council and EP may formally request that the Commission takes action on certain issues (although for the EP it is more common to *informally* bring issues to the attention of the Commission through its various committees[242]), while the ECJ, through its legal judgements in cases brought before it, has also successfully placed items on the agenda. In addition to that, all institutions are, to a certain extent, open to lobbying activities and as such actions initiated by the EU institutions may reflect input from a wide variety of sources. As Nugent notes, this means that 'the Commission is not the 'initial mover' of most EU legislation. Rather the 'real' origins of legislation normally lie elsewhere'.[243] However, this often makes it difficult to determine where an initiative originated: specific interest groups may be the driving force behind Council requests upon which a Commission has drafted a proposal, or a Commission proposal that appeared to be a response to a lobby started by the EP, may in fact have been suggested to a Parliamentary Committee by the Commission itself, in order to secure support for its own ideas against an unwilling Council.[244] As much agenda-setting takes place through informal processes, the origins of policy-making are often hidden well below the surface of policy-making and may be difficult to find.

Determining the agenda is always a competitive process of selection between issues and their possible solutions. This is even more so in the EU, not only because of the large number of actors involved and the relatively open policy process, which offers numerous access points for issues to be placed on the agenda by all kinds of actors, but also because the EU's policy scope is not clearly defined and has constantly been expanding over the last fifty years. The fact that many policy issues have already made it onto the different *national* agendas also means that there are simply more issues to choose from, while the existence of many different national policy styles requires a wider range of policy alternatives to be considered.[245] However, not all issues will make it onto the European agenda, if only because in many cases the EU is simply not competent to deal with an issue.

For different reasons, different actors may be more or less willing to have policy issues placed on the European agenda. While the Commission and the EP, which owe their existence and importance to European processes, both have vested interests in lifting policy issues from the national to the European

[242] Nugent (2006: 401) notes that the EP rarely uses its formal powers to request the Commission to act, as described in Article 192 TEC. The Council's powers are stated in Article 208 TEC.
[243] Nugent (2001): 237.
[244] Nugent (2006): 401.
[245] See e.g. Peters (2001): 86-88; Andersen, Eliassen & Sitter (2001): 39.

level, national governments have shown much more reluctance to give up their sovereignty, and will in most cases strive for collective solutions. With respect to the latter, McCormick has argued that EU agenda-setting is based on a combination of the extent to which Member States are prepared to allow the Community authority over different fields, the extent to which economic, political or technical pressures demand a Community response, and 'the compromises reached in the process of resolving the often conflicting demands and needs of the member states'.[246] Likewise, Bache and George distinguish four different reasons why issues find their way onto the European agenda: firstly, there may be a functional logic to solving the problem collectively, as was the case with the creation of the internal market; secondly, the issue itself has arisen from spillover of other EU policies and therefore demands a European solution, such as when the creation of the internal market led to a whole range of new regulations and policies in unforeseen areas; thirdly, domestic groups may pressure their national governments to transfer regulation to the European level, as happened with the telecommunications sector; and finally, the European level may offer an 'escape route' for national governments to take politically unpopular measures, such as the introduction of the Euro.[247]

While the complexity and fragmentation of EU institutions may offer multiple access routes for agenda-setting, it can also complicate the process. For instance, McCormick argues that 'the sheer complexity and variety of the needs, values, and priorities of the member states make it more difficult to be certain about the existence or the causes of problems or the potential effects of policy alternatives.[248] Peters has noted that the openness and fragmentation of the institutions may also interfere with the development of stable policy agendas, noting especially the lack of effective policy-coordination as a key influence on the instability of the agenda.[249] Nevertheless, he maintains that there are many options for successful agenda-setting, as '[a]ll that is required is that a very limited number of actors – perhaps only an individual commissioner or council member – agree that the issue is worthy of consideration'. Although this does not guarantee success, it at least presents an opportunity for a discussion to be started.[250]

Policy formulation

Although a large number of actors may be seen to influence the policy agenda, in practice it falls to the Commission to take up an issue and start work on the formulation of a policy proposal. The Commission has the sole power to initiate new legislation, is responsible for protecting the Treaties and

[246] McCormick (2008): 251.
[247] Bache & George (2006): 355.
[248] McCormick (2008): 250.
[249] Peters (2001: 48) notes that in most national systems, party or coalition governments provide a mechanism for the coordination of policies across institutions and various levels of government, thus offering the 'possibility of developing a set of priorities, a co-ordinated policy agenda and to constrain the range of alternatives considered at any one time'; however, in the EU, political parties do not play this coordinating role. In addition to that, he points at the existence of different national policy styles in the Commission, as embodied by the different Commissioners.
[250] Idem: 89.

ensuring that their spirit is expressed in specific laws and policies, and is charged with overseeing the EU budget, and as such is the main focal point of the policy formulation stage.[251] This stage is characterised by many informal contacts between the Commission and the other institutions, a high degree of openness to various stakeholders, especially in its early stages, and much consensus-seeking throughout.

The preparation of a legislative proposal is in the first place a bureaucratic process taking place within the Commission. Although the drafting process by no means exists of a fixed sequence of events, some general patterns and requirements can be distinguished.[252] Normally, a middle-ranking official within a policy unit of a DG is given responsibility for the preparation of the proposal and guiding it through the various stages that follow. Officials at different levels of Commission are usually involved in the initial development of a proposal, but, as noted by Nugent, at the start this tends to be a vertical process within a single DG, which means that other DGs are usually not involved at this stage. However, as the process evolves other DGs and services with an interest in the proposal must be given the opportunity to make their views known, which usually takes place through consultation in inter-service meetings. Once a draft proposal has been approved by the directly involved officials in the DGs, it is sent to the cabinet of the responsible Commissioner. This may have already been involved in informal discussions during the drafting stage, especially if a proposal is deemed to be controversial, but for politically less important issues this is not always the case. Once the Commissioner has approved the draft, it is presented to the full College of Commissioners, which may adopt, amend or reject the draft, or send it back for further consideration. In addition to this, the Commission's Legal Service needs to ensure that the appropriate legal basis is used for the proposal, and the responsible officials need to take into account that the draft proposal respects the principles of subsidiarity and proportionality, that it is as simple, comprehensible, transparent and accessible as possible, and that the impact financial and environmental impacts are considered.[253]

This process largely takes place within the Commission's bureaucratic structures, but other actors, both institutional and external, may still have a role to play as well. Throughout the process the Commission tends to have informal consultations with representatives of Council working groups and the appropriate committees of the EP, so as to establish how the issue at hand is perceived by these institutions and what possible solutions they might be willing to accept. This is particularly relevant, as in most cases[254] Commission proposals need to be adopted by both the EP and the Council. As such, the Commission has little to gain by drafting a proposal that is unlikely to gain

[251] The following generally applies to policy-making in the cultural field, but it should be noted that in some policy modes, the Commission plays a much smaller role; thus, the Commission does not have the sole right of initiative for policies developed under the second and third pillar (since 1992), to which the formal policy-making rules of the EC treaty do not apply; and Member States have more control over policies where the OMC is applied.
[252] For a more detailed description of the process, see Nugent (2001).
[253] Nugent (2006): 401-402.
[254] At least under the co-decision procedure, which applies to actions in the cultural field. This will be described in more detail in chapter 5.

acceptance from either one of these institutions.[255] Secondly, as noted earlier, the Commission frequently turns to external stakeholders for information and advice. It may consult with independent experts, either on an *ad hoc* basis or through a range of existing committees, to examine the likely consequences of a proposal it is considering, or open up an external consultation round for interest groups, to establish whether or not there will be support for a certain proposal. It is at this stage that the stakeholders themselves often try to initiate contact with the Commission as well, in order to lobby for their own views outside of these regular paths offered by the Commission. As Nugent notes,

> Knowing that the Commission's thinking is normally at its most flexible at this preliminary stage, and knowing too that once a proposal is formalised it is more difficult for it to be changed, interested parties use whatever means they can to press their views.[256]

The extent to which the Commission is prepared to take the stakeholders' opinions into account, however, will depend on numerous circumstances, including the effectiveness of previous contacts, the importance of including external views from the outset, the degree of technical knowledge and outside expertise it needs to make its own proposal, and the personal working preferences of the officials involved.[257]

The practice of stakeholder consultation has long been an established means of supplementing the policy-formulation stage. In fact, the EC Treaty specifies that 'the Commission should consult widely before proposing legislation and, wherever appropriate, publish consultation documents'.[258] In recent years, the Commission has attempted to develop this idea into a more consistent practice of consultation. In its *White Paper on European Governance* (2001) the Commission explicitly set itself the task of achieving more openness and involving more interested parties in the preparation of European policy.[259] In 2002 this was followed by a communication outlining a number of 'general principles and minimum standards for consultation of interested parties', the purpose of which was to ensure proper consultation of 'all relevant parties', meaning the 'representatives of regional and local authorities, civil society organisations, undertakings and associations of undertakings, the individual

[255] The second point in the process at which the Council and EP can influence policy formulation is after the Commission has published its proposal, but this can already be seen as part of the decision-making stage, and will thus be discussed there.
[256] Nugent (2006): 403.
[257] Ibid.
[258] Protocol (No. 7) on the application of the principles of subsidiarity and proportionality, annexed to the Amsterdam Treaty. See also: COM(2002)704 final, p.4.
[259] COM(2001)428 final. The publication of this White Paper marks a noticeable change in style of governance in the early 2000s, which is founded on the principles of participation, openness, accountability, effectiveness and coherence. To a certain extent, this shift in focus is also reflected in the process leading to the Culture Programme, as chapter 7 will show. This point has also been noted by Minichbauer (2005: 95), who, in a reflection on the changes proposed in this programme, observed that the discussion on the new programme showed 'intensified attempts […] to practice/represent a more open style of governance', in contrast to the 'impression of a lack of transparency' and 'criticism of the lack of publicly discussed programme evaluations' that had previously surrounded the work of the Commission.

citizens concerned, academics and technical experts, and interested parties in third countries'.[260] While this communication also concerns the two institutional advisory bodies (the EESC and the COR), it is mainly of interest as it sets the framework for consultation with external interested parties.

Although it is important to note that the guidelines set out in this communication are by no means legally binding, it has nevertheless become common practice to adhere to them, and as such, external stakeholders have been consulted widely by the Commission.[261] Consulting with this many institutional and external stakeholders, however, means that the Commission will need to formulate its own position taking into account numerous opinions and advice that may possibly be conflicting. As Bache and George note, this may sometimes force the Commission 'to go for the lowest common denominator in order to ensure that it can get some legislation through', particularly when operating in a new policy area. However, it is not unusual for the Commission to take up a more risky position, under the condition that it has secured support from 'powerful interest groups or within the bureaucracies of national governments', so that possible opposition in the decision-making and implementation stages may be overcome.[262]

Decision-making

Once the proposal is finalised, the final decision-making process advances through a series of highly formalised procedures. The official procedure for the adoption of legislative measures will be laid out in the EC Treaty, under the articles appropriate to the policy issue at hand (the legitimacy of which will have been established by the Commission's Legal Service). The Treaty will indicate not only which legislative procedure needs to be followed, but also which actors are to be involved in the process, for example, whether the EESC or COR need to be consulted, and how the Council will need to vote.

Since 1992, four different procedures can be applied to non-administrative legislation on matters under the EC Treaty.[263] The cooperation procedure, created by the Single European Act, was a first step towards strengthening the EP's position in the decision-making process, by giving it the right to propose amendments which the Council could then only override unanimously. This was a significant improvement compared to the EP's power under the consultation procedure, which was the only procedure in place until the mid-1980s. Following this procedure, the Council was the sole decision-maker, although it required the opinion of the EP, which gave the latter some delaying power.[264] The SEA also introduced the assent procedure, which required Council and EP to approve special types of decisions, although it did not give the EP any amending powers.

[260] COM(2002)704 final: 3-4.
[261] This in contrast to the consultation of the EESC and the COR.
[262] Bache & George (2006): 356.
[263] The procedures for the second and third pillar will not be considered here.
[264] The consultation procedure now applies mainly to agricultural legislation, while the cooperation procedure was largely abolished by the Amsterdam Treaty.

The most important change, however, was introduced with the co-decision procedure. This was created with the Treaty of Maastricht (1992) and applies to most EU legislation under the EC Treaty since the Treaty of Amsterdam came into effect in 1999. As set out in Article 251 EC[265], the co-decision procedure consists of a maximum of three stages. In the first stage (first reading), EP and Council consider the Commission's proposal in parallel processes, although the order of the stage requires the EP to adopt an opinion and, if necessary, suggest amendments, before the Council gives its opinion.[266] At this stage, the Council may decide to adopt the proposal as approved or amended by the EP, or not to adopt it. In the second case, the Council needs to adopt a common position, to be forwarded to the EP for second reading. In this second stage, the EP has three options: it can approve the common position, or decide not to take any decision, in which case the act will be adopted in accordance with the Council's common position; it can reject the common position, in which case the act will not be adopted; or it can propose amendments to the common position, in which case the amended text is forwarded to the Council and the Commission, who will then enter a second reading as well. Both the latter two options require the EP to decide by an absolute majority of its component members. Should this be required, the Council can now approve all of the EP's amendments, in which case the legislative proposal is effectively adopted. However, should EP and Council not be able to reach agreement, the process enters the third stage, in which a Conciliation Committee composed of (representatives of) both Council and EP needs to reach agreement on a joint text within six weeks, after which EP and Council have another six weeks to adopt the act in accordance with the joint text. If either of these two institutions fails to approve the joint text, or if the Conciliation Committee fails to reach agreement on a joint text, the proposed legislation will not be adopted. However, since the Treaty of Amsterdam about 80% of all legislative procedures have been completed at the second stage.[267]

This already rather elaborate process is further complicated by differences in voting procedures in the Council, as a result of which the co-decision procedure is not equal for all policy areas. Most notably here is the fact that whereas in most policy areas voting proceeds by qualified majority (QMV), a procedure introduced in the SEA, in some areas the Council is still required to act unanimously. This applies mainly to areas considered to cover sensitive and politically charged issues, and notably includes the field of culture. This is especially relevant at second reading, where unanimity allows the Council to adopt legislation without accepting all amendments made by the EP. Thus, unanimity voting potentially gives the Council a stronger position in its negotiations with the EP.

While the Council and the EP are clearly the main actors at this stage in the policy process, the Commission, although not having any formal legislative powers of its own, is still able to influence the process. Throughout the

[265] In the Treaty of Amsterdam, the original Article 189b EC in the Treaty of Maastricht was changed to Art 251 EC.
[266] Prior to this, the EESC and the COR may have given their opinion, if required to do so by the Treaty. However, the role of these committees is only advisory.
[267] Nugent (2006): 412.

process it remains actively involved in discussions with both parties. It also delivers its opinion on the various official positions taken, through which it may be able to influence the decision-making at the second stage of the process, as the Council can only adopt an amended proposal by QMV if the Commission has given a positive opinion on the proposed amendments. If not, it needs to make a unanimous decision. Finally, if the procedure reaches the third stage, the Commission will usually attempt to reconcile both positions.

In addition to the Commission, external stakeholders may attempt to influence the decision-making process by lobbying both EP and the Council, although depending on the issue at hand one might be given preference over the other. As the Commission does not have any direct decision-making power at this stage, but is mainly concerned with steering the process in order to get a result that is a close to its original proposal as possible, it will be less effective for stakeholders to direct their lobbying efforts at the Commission.

3.5 Concluding remarks

As this chapter has shown, EU policies are commonly the result of 'complex and often lengthy process of consultation and negotiation'. [268] Because of its complicated nature, policy making at this level is generally slow and cautious, owing, as McCormick concludes, 'to concerns about the loss of national sovereignty, the absence of a consensus on the wisdom of European integration, and the need for constant compromise'.[269] The policy process involves many different actors which may have just as many different objectives, and is often more open and pluralist than at the national level, allowing greater accessibility for external actors. All of these features have contributed to a highly fragmented policy system, characterised by variable institutional roles and powers, and a variety of policy processes. It is difficult to speak of one governing actor, firstly because the Commission, Council and EP often have conflicting goals and reasons for acting, and secondly because conflicts of interest are rive *within* these institutions as well. The hierarchical and pillarised structured of the Commission, partisan and national divisions within the EP and national competition between the Member States have all been well documented, as have the power plays between the various actors in the European policy-making process. As a result, when examining the objectives of EU cultural policy it is not sufficient to merely look at the actions of one institution.

While this characteristic is certainly not unique for the EU, it does add to the complexity of the question at hand. EU cultural policy may thus be driven by multiple and possibly contrasting objectives, depending on the actor under investigation. For instance, while it has been suggested that the construction of a European identity is one of the underlying objectives for the Commission, it may be the case that this is not in the interest of all Member States, which

[268] Andersen, Eliassen & Sitter (2001): 38.
[269] McCormick (2008): 260.

can be expected to be much more in favour of policies that are in their national interests, such as support for heritage (Italy, Greece) or the cultural industries (France, UK).

The exploration of the policy cycle in the EU context, and especially the agenda-setting stage, highlights the importance of three questions that need to be asked in relation to the question what the objectives of EU cultural policy are. Firstly: *who* placed culture on the agenda? Secondly: why was it placed on the agenda? And thirdly: how was it placed on the agenda? These questions will be explored in more detail in the following chapters.

CHAPTER 4
EMERGENCE OF COMMUNITY COMPETENCE

Opinions differ as to what should be regarded as the starting point of EU cultural policy. Some studies claim that its roots date back as far as the 1957 Treaty of Rome[270], while others take inclusion of a separate article on culture in the 1992 Maastricht Treaty as the official beginning. According to the latter point of view, there was no cultural policy to speak of prior to the adoption of this treaty, as the existing treaties did not provide a legal basis for Community involvement in the cultural field. In reality, however, a significant number of actions can be found to predate the introduction of this formal basis, and judging by the number of official resolutions, conclusions and communications on culture issued by the Community's institutions, it can hardly be denied that a de facto European cultural policy existed well before 1992. Somewhere between the Treaties of Rome and Maastricht, then, culture first appeared on the European agenda.

One of the reasons that it is difficult to pinpoint the genesis of European cultural policy is that different actors became involved in the cultural field at different points in time, with different levels of intensity, and with different results. As such, what can be regarded as the start depends to a large extent on which actor is considered to be the most significant for initiating cultural policy. For instance, Forest argues that EU cultural action began in 1983, as this was the year when the leaders of the Member States first issued a statement on the undertaking of joint action in a number of cultural areas.[271] Others regard the publication of the Commission's 1977 communication on culture as a far more significant event, as this included the first outline for a comprehensive action plan for the cultural sector. Yet others, including the Commission itself, have identified the EP's actions in the early 1970s as the main driving force behind the initial European steps in the cultural sector.[272]

In order to outline the foundations on which the EU's more recent involvement in the cultural sector is based, this chapter sets out to trace the development of European involvement in the cultural field prior to the Treaty of Maastricht. This period can be divided into three phases[273] in which different actors took up different positions, but it was also characterised by a slow development that stretched over the different periods. Both change and continuity will be discussed in this chapter. As a clear legal basis for EU action in the cultural field was lacking in this period, particular attention will be paid to the rationalisation of the actions undertaken. The legal basis that was introduced with the Treaty of Maastricht and the policy developments that took place on the basis of this will be discussed in the next chapters.

[270] See e.g. Kaufmann & Raunig (2002): 7.
[271] Forest (1994): 11.
[272] See CEC (1977): 5.
[273] An approach taken by McMahon (1995) and Sandell (2002).

4.1 First Community actions in the cultural field

In the years directly following the Second World War, cooperation in the cultural field was regarded by many national politicians as a way to further integration and bring about European peace by breaking down the barriers between citizens of different nationalities. Statements to this extent were made as early as 1948, when the Congress of Europe adopted its Cultural Resolution.[274] The signing of the 1954 European Cultural Convention by the members of the Council of Europe further underlined the importance of developing cooperation in the cultural sector.[275] However, all of these developments towards cultural cooperation took place *outside* the scope of the EEC, which came into being around the same time. Although the preamble of the Treaty of Rome declared that bringing about 'ever closer Union among the peoples of Europe' was to be one of the key objectives of the EEC, thus firmly placing it within the context of the post-war search for peace and stability, the Treaty itself contained only minor references to culture.

Still, the fact that culture was not included in the Treaty of Rome as such did not mean that the Member States ignored the subject altogether. In fact, the importance of culture was underlined in the context of a number of European summits from the late 1960s on. For instance, at the 1969 summit in The Hague, the Heads of Government of the Member States declared the 'indispensable' need to preserve Europe as 'an exceptional seat of development, culture and progress'; at the Paris Summit of 1972 they stated that 'economic expansion is not an end in itself', but should also result in 'an improvement in the quality of life'[276]; and in the 1973 Declaration on European identity culture was recognised as one of the fundamental elements of this identity.[277]

However, these declarations were commonly stated in very general terms and did not contain any indication of practical actions to be taken in the cultural field. As such, their real value was of a symbolic rather than a practical nature. The first publication to originate from the Member States that discussed cultural action in slightly more detail was the 'Report on European Union', prepared by the Belgian Prime Minister Tindemans in 1976, which explored ways to bring the European Community closer to the citizens. It argued that

> No one wants to see a technocratic Europe. European Union must be experienced by the citizen in his daily life. It must make itself felt in education and culture, news and communications, it must be manifest in the youth of our countries, and in leisure time activities.[278]

[274] Available from <http://www.ena.lu/cultural-resolution-hague-congress-710-1948-020006619.html>; last visited 29 April 2010.
[275] Available from <http://conventions.coe.int/Treaty/en/Treaties/Html/018.htm>; last visited 29 April 2010.
[276] Bull. EC 10-1970, Part One, Chap.1, point 4.
[277] Bull. EC 10-1972, Part One, Chap.1, point 3.
[278] Tindemans (1976): 12.

Among the report's suggestions to make Europe more appealing was a proposal for the creation of a 'European Foundation', which should promote 'anything which could help towards greater understanding among our peoples by placing the emphasis on human contact', including cultural activities.[279] Apart from this, however, it did not consider culture as a new policy area for the Community to become involved in. Instead, the Member States appeared to be content to leave cooperation on cultural issues to the international bodies that were already more established in the cultural field, in particular the COE and UNESCO.

While the Member States thus limited themselves to making general statements within the context of the EEC and seeking further cooperation outside of this context, the EP took a far more pro-active stance. In 1974, it adopted a resolution on measures to protect the European cultural heritage, which can be regarded as the first real attempt to start Community action in the cultural sector.[280] Although around the same time the subject had made it onto the agendas of UNESCO, which in 1972 had adopted its 'Convention concerning the protection of world cultural and natural heritage', as well as the COE, which was involved in a three-year campaign to highlight the importance of preserving architectural heritage as a factor determining quality of life, culminating in the designation of 1975 as European Architectural Heritage Year[281], the EP was the first Community institution to call for a considerable increase in efforts to preserve cultural heritage within the context of the EEC itself. The resolution called for concrete measures to preserve the cultural heritage, including financial support for 'the most urgent work on the restoration of monuments and sites' and the development of nuclear conservation technologies, and asked the Member States to take measures to fight the theft of and traffic in stolen works of art and heritage.[282]

But the EP's attention was not limited to the field of cultural heritage alone. In the same resolution, it called for the simplification of administrative formalities, the removal of fiscal barriers, and the approximation of national laws and taxation systems as they applied to the cultural sector, with an eye on the exchange of cultural works and the freedom of movement of cultural workers. Two years later, this call was repeated in the more generally phrased 'Resolution on Community action in the cultural sector', in which the EP underlined the importance of cultural exchanges as 'excellent means of making the citizens of the Community more aware of European identity'. It furthermore urged the Commission to 'make particular efforts for the dissemination of culture among young people who are more open to the cultures of other countries', and asked for actions to be undertaken 'to make the culture of the other Community countries available to broader sections of the population', for instance by stimulating the translation of literary and other works and by taking part in the promotion of cultural events.[283]

[279] Idem: 28.
[280] The EP had first expressed its wish that the Community become involved in cultural action in 1963. See Zapatero (2001): 7.
[281] See CEC (1975).
[282] EP (1974).
[283] EP (1976).

The Commission's official response came in 1977 with the publication of 'Community action in the cultural sector'. This communication started by emphasising the compatibility of actions in the cultural field with the economic and social objectives of the Community. The Commission declared that action in the cultural sector was 'necessarily centred on solving the economic and social problems which arise in this sector as in all others' and that it intended to achieve support for culture 'by gradually creating a more propitious economic and social environment'.[284] Five years later, the Commission repeated this view in a second communication on culture, 'Stronger community action in the cultural sector' (1982). This stated that 'Community action in the cultural sector is a form of economic and social action and consists of applying the EEC Treaty and Community policies to the situations, themselves economic and social, in which culture develops'.[285]

The Commission's action programme, as outlined in these two communications, was concerned first and foremost with the removal of numerous administrative, legal, and social barriers that were seen to impede the freedom of trade in cultural goods, the freedom of movement and establishment for cultural workers, and their working and living conditions, as had been called for by the EP. This involved a number of practical measures, such as the introduction of record cards to prevent the selling and trafficking of stolen works of art and archaeological finds, the abolishment of internal border formalities, harmonisation of copyright laws, authors' and performers' rights and taxation measures in the cultural sector, and support for the training of people in various cultural professions. The latter included training measures and job creation through the ESF and ERDF, the provision of Community scholarships and grants, and exchanges of young cultural workers.

While a significant part of early Community activities in the cultural field was thus directed at the ensuring that the economic and social requirements of the EEC Treaty were followed through, the first communication had noted that some additional actions would need to be taken 'over and above the application of the Treaty to the cultural sector'[286], especially in relation to the preservation of the architectural heritage and the promotion of cultural exchanges, two actions that had been of particular concern to the EP. Initially, the Commission had refrained from taking action on heritage preservation, limiting itself to the recommendation that the Member States should support the initiatives undertaken by the COE in the context of the European Architectural Heritage Year as well as sign the existing international declarations on heritage protection, as drawn up by both UNESCO and the COE.[287] However, the 1977 communication concluded that, in the context of the Community action programme on the environment, the Commission would be able to contribute to the training of restoration specialists and the development of new conservation and restoration techniques.[288] By 1982,

[284] CEC (1977): 5.
[285] CEC (1982): 4.
[286] CEC (1977): 19.
[287] CEC (1975).
[288] CEC (1977): 19.

action had been expanded to include a focus on young people, in the form of encouragement of voluntary holiday work camps, and measures were being developed to make financial support for architectural heritage projects more readily available, for example by allowing tax reliefs for private conservation projects as well as patronage, charging lower interest rates on loans from the European Investment Bank, and supplying additional support through existing Community funds.

One of the main objectives of the promotion of cultural exchanges was 'to show the cultural similarities, links and affinities between all the countries and regions of the Community and, at the same time, the various national and regional contributions to that culture'.[289] In this way, cultural exchanges were seen as a way 'to quicken the will to unite the nations of Europe', thus contributing to the Community's task to promote 'ever closer union' among the peoples and states of Europe, as outlined in the Treaty of Rome[290]:

> gradually cultural exchanges will do away with the stereotypes and prejudices which still deform the image that each people has of the others. They will go even further and reveal the underlying unity of cultural affinities, relationships and resemblances in a diversity that there can be no question of dulling. In this way they should gradually strengthen ties between the peoples of the Community.[291]

Early examples of cultural projects in which the Community was involved include support for a Brussels-based centre for further training of performers and research in performing arts, a contribution to a small number of festivals and events taking place in different Member States, the patronage of the European Community Youth Orchestra (ECYO)[292], and a pilot scheme to develop 'European rooms' in museums, bringing together a variety of works from several Member States.[293] The promotion of cultural exchanges was part of a wider range of measures with the overarching goal to widen the audience, in particular by awakening an interest in the arts among young people. Other actions included the promotion of live music and theatre across the Community, financial support for specific cultural events, such as a number of activities developed in the context of the European Music Year (1985) and a travelling exhibition of the works of 150 'young Community painters', which was to 'offer the public the most striking view of painters in the Community

[289] Idem: 21.
[290] As stated in the first recital of the Preamble to the Treaty of Rome, as well as Article 2.
[291] CEC (1982), Annex III: 3.
[292] The ECYO had started out as a private initiative aiming to provide professional development experience for young orchestral musicians, as well as to represent the European ideal of a community working together to achieve peace and social understanding. In 1976, the EP adopted a resolution calling on the Commission 'to take the necessary measures to ensure that Community sponsorship be accorded to this youth orchestra' (EP 1976). With the backing of the EP and the Commission, the ECYO was finally launched in 1978. Although the EP's resolution stressed that the Orchestra was to be privately funded, it has been receiving additional funding through the EU budget line for organisations promoting European culture, as well as from each of the EU member states. See: <http://www.euyo.org.uk>; last visited 29 April 2010.
[293] See Dumont (1980): 10-11.

today'[294], and the fostering of cooperation between the Member States' cultural institutes, with should eventually result in the creation of a single cultural institute in a 'carefully chosen non-member country', to represent *all* Member States of the Community.[295]

While these actions clearly had aims that went 'over and above the application of the Treaty to the cultural sector'[296], the Commission still emphasised that their legitimacy was to be found solely in their contribution to the Community's economic and social objectives. For instance, in relation to the preservation of the architectural heritage, the Commission underlined that

> the legal basis for the Community's contribution to preserving this heritage lies in the fact that it is a contribution to a rich resource that generates economic activity (tourism, scientific research, art publishing, and so on) and that conservation is itself an economically and socially viable activity for the firm and workers connected with it. Apart from the fact that each project keeps or creates jobs on a site, a well-preserved architectural heritage is a tourist attraction which helps to raise the living standards in the regions.[297]

Similarly, it emphasised that many of the actions taken to widen the audience would result in job creation for cultural workers as well, since '[a] wider audience would offer cultural workers more opportunities for work and thus enhance their earnings'.[298] Thus, the promotion of live performances was justified by pointing out that these 'could give employment, not only to performers, but also to a considerable number of administrators and technicians'[299], while one underlying objective of the travelling exhibition of young Community painters was that it would give a small group of artists a stage to show their works, allowing them 'make a decisive stride in their careers'.[300] In much the same way an EP amendment to the 1982 budget on the promotion of the cultural sector was described as a contribution 'towards the financing of a variety of projects and pilot schemes aimed at offering the public a wider variety of forms of cultural expression, thereby reducing the level of unemployment among cultural workers'.[301]

By the early 1980s the Commission appeared to have clearly established the limits of action to be taken in the cultural field. Cultural policy was to be confined primarily to the application of the Treaty of Rome to the cultural sector, and additional actions were legitimised by emphasising their socio-economic benefits. What is more, the Commission showed no signs of wanting to develop the scope of Community involvement any further. On the contrary, it explicitly dismissed the possibility that it would be taking on the role of a *Maecenas* to the cultural field, saying that '[o]bviously the Community will not be able to assume the same responsibilities as impresarios or rich

[294] See CEC (1982), Annex II: 9.
[295] See CEC (1977): 24. The latter project was never realised.
[296] Idem: 19.
[297] CEC (1982): 18.
[298] Idem: 15.
[299] Idem, Annex II: 3.
[300] Idem, Annex II: 9.
[301] Cited in CEC (1982), Annex II: 3.

patrons in cultural exchanges. Apart from rare exceptions, it can only contribute indirectly to their development.[302] This view was reaffirmed in an information brochure reviewing progress in Community action in the cultural sector until 1980, which stated that

> [i]t is unthinkable that the Community should attempt recommending a European cultural policy, not merely because there are no provisions for such a policy in the Treaty of Rome, but also because such attempts would clash with the Member States' desire for independence in an area where, quite rightly, they consider no constraints should be placed upon their freedom to act.[303]

Furthermore, the Commission emphasised that the actions of the Community should in no way duplicate work that was already carried out at the transnational level, referring for instance to 'the efficiently-run activities of organizations like the Council of Europe, for which the development of culture is a prime objective'.[304] This all suggests that the Commission was hesitant to fully develop its cultural policy.

The EP on the other hand appeared to express an understanding of cultural issues that went beyond the economic perspective. Many of the additional actions undertaken by the Commission, such as the patronage of the ECYO, the development of actions to promote the preservation of cultural heritage and actions undertaken as part of the European Music Year, can be traced back to Parliamentary resolutions. The EP also produced a number of reports on a wide variety of cultural themes, including the protection of minority languages and the establishment of a Museum on European Unification. More significantly perhaps was the fact that it was able to use its budgetary powers to establish specific budget lines for culture, which allowed the Commission to set up a small cultural affairs unit in 1973, thus opening the way for the Commission to develop the first actions in the sector.[305]

With both of these institutions involved in the cultural field, it is perhaps somewhat surprising that the Member States remained virtually absent at this stage. Although the proposals for the development of cultural exchanges were in line with the idea of promoting culture to stimulate greater understanding among the peoples of Europe, as mentioned by the Report on European Union, it was not until the beginning of the 1980s before the Council started to express its opinion on the kind of actions to be taken. The results of this will be discussed in the next section.

4.2 Involvement of the Member States

The legitimation of cultural policy with reference to the EEC Treaty did not result directly in the creation of a separate Community cultural policy to rival

[302] CEC (1977): 21.
[303] Dumont (1980): 9.
[304] CEC (1982): 2.
[305] Sandell (2002): 257.

those of the Member States, but it nevertheless had an impact on national policies. As the Commission developed its attempts to remove all obstructions to the free movement of cultural goods and cultural workers, this action directly came to affect national laws and regulations, often in a negative way. When called upon to decide whether or not exceptions to Community regulations could be justified with reference to national cultural policy objectives, the ECJ often ruled in favour of the Commission's economic arguments over the Member States' interests of cultural protection.[306] Effectively, this process resulted in the Member States losing their grip on areas of cultural policy, for instance with regard to book pricing and copyright policy.[307] This appears to have been one of the main reasons why the Member States became more actively involved in cultural policy-making. Responding to the Commission's attempts to eliminate trade barriers, which was effectively a process outside of the Member States control, in the early 1980s some Member States, in particular those that were uneasy about the Commission's approach, decided to take a more pro-active stance. In this way they hoped to regain control over cultural matters so that they could implement policies that favoured their own preferences.[308] The creation of a separate Council of Ministers for Cultural Affairs can be seen as the first expression of this attempt at regaining the initiative. While meetings of the Ministers responsible for culture were already an established practice in the context of the COE, the first informal meeting at Community level did not take place until November 1982. The initiative for this meeting was taken by France and Italy, following the proposal for the creation of a separate Culture Council in the German-Italian proposal for a Draft European Act (1981).[309]

The latter proposal also formed the basis for the 'Solemn Declaration on European Union' (1983), in which the Heads of State or Government of the Member States for the first time explicitly stated that they regarded culture as an essential field of Community activity. In addition to confirming their 'commitment to progress towards an ever closer union among the Peoples and Member States of the European Community'[310], they stated that one of the objectives of the Community was to promote 'closer cooperation on cultural matters, in order to re-affirm the awareness of a common cultural heritage as an element in the European identity'.[311] Although cultural cooperation in this context covered a wide array of areas (for instance, youth exchanges, education and languages), the text also invited the Member States to undertake more direct actions in the cultural field. This included promoting 'European awareness' by improving the level of knowledge about the other Member States and of Europe's history and culture; promoting more

[306] For a more detailed analysis of the role of the ECJ and the impact of Community law on national cultural practices and traditions, see Craufurd Smith (2004b) and Littoz-Monnet (2007).
[307] Littoz-Monnet (2007): 50.
[308] Littoz-Monnet (2007) has highlighted the importance of national policy preferences in this process. She has argued that centralised countries like France and Italy were particularly opposed to the Commission's liberalisation attempts, while countries with a more liberal tradition, like the UK and the Netherlands, were more in favour.
[309] *Bull*. EC 11-1981: 89-90, point 4(2) and point 5.
[310] European Council (1983): 25.
[311] Ibid.

extensive contacts between writers and artists as well as promoting the wider dissemination of their works; and closer coordination of the Member States' cultural activities in third countries. Additionally, it expressed the will to examine the possibility of undertaking joint action in respect of the safeguarding of the cultural heritage and the dissemination of culture.[312]

Despite this promising statement, the initial period of Council involvement was far from straightforward. The Member States displayed significant disagreement regarding the extent of the Community's competence in the cultural field as well as their own willingness to grant financial support, which was a direct reflection of their different approaches to cultural matters at the national level. France, Italy and Greece in particular wanted to take matters significantly further than Denmark, Germany, the Netherlands and the UK, which for different reasons showed concern about further development of EU-level action in the cultural sector.[313] This inevitably led to the watering down of proposals made by the more forward-looking Member States. The Solemn Declaration illustrates this point very well: on the one hand, it expressed the will to promote cultural policy-making, while on the other hand it re-emphasised the Member States' commitment to cooperation in the context of the COE and stressed that the few joint actions that were proposed were subject to significant constitutional constraints.[314] Nevertheless, after the meetings of the Ministers for Cultural Affairs within the Council became formalised in 1984, the Member States did manage to adopt a series of resolutions on cultural matters. Topics covered by resolutions passed in the following two years included special conditions of admission for young people to museums and cultural events, the conservation of architectural heritage, artistic objects and works of art, business sponsorships for culture, support for the translation of important European literature and the launch of a European sculpture competition.

The most visible action initiated by the Member States, however, was the establishment of the annual 'European City of Culture' (ECOC) event, which was proposed in 1985 as a way 'to help bring the peoples of the Member States closer together'.[315] This action should be understood in the context of the lack of public support for the European project, which had been a growing concern for the Community since the 1970s. In 1984, the European Council had appointed and *ad hoc* Committee, chaired by Pietro Adonnino, to consider measures to encourage the citizens' identification with Europe. The recommendations of this Committee would eventually result in the launch of the 'People's Europe' campaign, which included a series of initiatives 'to strengthen and promote the Community's identity and its image both for its citizens and for the rest of the world'.[316] Although culture had not been specifically mentioned in the Committee's mandate, which had been focused explicitly on issues such as cross-border traffic, the participation of young

[312] Idem: 28.
[313] For a more detailed analysis of the early role of especially the French government as the 'first mover' of action throughout the 1980s, see Littoz-Monnet (2007).
[314] See Rasmussen (1988): 189.
[315] Council resolution 85/C 153/02.
[316] Adonnino (1985): 5.

people and the introduction of discernible European symbols[317], it did conclude that culture, together with the area of communication, was 'essential to European identity and the Community's image in the minds of its people'.[318] However, this only resulted in a small number of proposals for actions in the cultural field. In addition to proposals to promote the competitiveness of Europe's television industry and to ensure citizens' access to television programmes from other Member States, the only 'cultural' actions proposed by the Adonnino Committee were the establishment of a 'European Academy of Science, Technology and Art'[319], which should 'highlight the achievements of European science and the originality of European civilization in all its wealth and diversity' by awarding prizes and giving opinions in these three areas, and the creation of a 'Euro-lottery', which, although not a cultural event in itself, was considered as a way to offer financial support for cultural projects. In addition to that, the Committee reaffirmed the importance of ensuring special conditions and reduced admission to museums and cultural events for young people.[320]

Although the number of proposals for action in the cultural field was as limited as their scope, the Adonnino Committee's confirmation of the importance of cultural activities to boosting the European image does reflect a more general institutional attitude towards Community cultural action in this period, which was marked by growing attention for more visible actions, of which the ECOC event was a prime example. From the mid-1980s onwards the Council, the EP and the Commission all became involved in what can be described as 'a series of specific but disparate measures mostly symbolic in nature'.[321] According to the Commission, these actions were intended to 'give further impetus to the promotion of European culture'[322], but they also aimed to promote the image of the European Community as a whole. For instance, in a resolution on the setting up of an EC Youth Opera, the EP argued that the Opera's 'newness and influence […] could only enhance the Community's public image'.[323] In addition to the ECOC event, these symbolic actions included contributions to a number of European awards in the fields of architecture, literature and literary translation, financial support for a number of specific cultural organisations, such as the EC Baroque Orchestra[324], the EC Youth Opera and the EC Choir[325], as well as support for a limited number of cultural events, such as the European Poetry Festival. Other actions that, in the words of the Commission, could be described as 'prestige projects'[326] included the Community's contribution to high profile heritage conservation

[317] Ibid.
[318] Idem: 21.
[319] Interestingly, this was the name used in the Committee's second report, while in the cover letter to the first report, it was referred to as the 'European Academy of Arts, Science and Culture'. See Adonnino (1985): 7.
[320] Adonnino (1985): 22.
[321] CEC (1992): 2.
[322] Idem: Annex A: 11.
[323] *OJ* C 167/461, 27 June 1988.
[324] The EC Baroque Orchestra was created to mark the European Year of Music in 1985.
[325] The EC Choir brought together EC officials and inhabitants of Brussels.
[326] See CEC (1992): Annex A: 10.

projects, starting in 1983 with the restoration of the Parthenon in Athens, funding for which had been made available upon the EP's request.

4.3 Intensification of actions

The further expansion of these actions was facilitated by the gradual development of administrative structures for cultural policy. The formalisation of the meetings of the Ministers for Cultural Affairs in the Council was followed by the appointment of a Commissioner with special responsibility for culture in 1985. After the Single European Act reforms of 1986, the Commission's culture unit, which had been part of DG XII (Research, Science and Education), was incorporated more prominently into the structure of the enlarged DG X (Information, Communication and Culture), while the Council created a new DG (G) to deal with culture as one of the residual areas of the Treaty. In 1988 the Council established a separate Committee on Cultural Affairs (CAC) which was to act as a forum for discussion between representatives of the Member States and the Commission, in order to 'evaluate all proposals relating to cultural cooperation', to prepare Council meetings on culture, and to monitor the implementation of actions decided upon in the cultural area.[327] Finally, the Commission set up a Committee of Cultural Consultants to act as an 'informal group of experts called upon […] to obtain the views of a wide geopolitical and multidisciplinary range of people professionally engaged in the arts'.[328] Through the development of these structures, a more controlled approach to Community action in the cultural sector started to become possible.

In light of this changing institutional context and the dominant view of culture as an area through which the Community could be promoted among its citizens, it is perhaps not surprising that the Commission's third communication on culture, published in 1987, employed a significantly more ambitious tone than its predecessors. Where the first two communications had shown a relatively restrained approach, 'A fresh boost for culture in the European Community' was a much more political document, intended to 'provoke in-depth discussion of the aims and forms of Community action in the cultural sector'.[329] In it, the Commission explicitly expressed 'the belief that the time has come […] to give cultural activities in the Community a higher profile', and argued that giving a 'fresh boost' to cultural action was both a *political* and an *economic* necessity.[330] The communication stressed that Europe's 'cultural dimension', expressed 'in the diversity of our local, regional and national cultures', formed the basis for European union, 'which has goals other than mere economic and social integration, important as though these may be', and that the feeling of being part of this shared culture was a necessary requirement 'for that solidarity which is vital if the advent of the large market

[327] Council resolution 88/C 197/01.
[328] CEC (1992), Annex B: 38.
[329] CEC (1987): 6. The Commission later acknowledged that the 'political' nature of the communication had been deliberate; see CEC (1992): 2.
[330] Idem: 7.

[…] is to secure the popular support it needs'.[331] An additional argument for action in the cultural field was that it would fulfil the expectations of the citizens. According to the Commission,

> [t]he debate as to whether or not the Community has the necessary competence to intervene cannot hide the growing clamour from its citizens to participate in cultural life or their demand for new mechanisms for exchanges and cooperation in this area. The Community's governments and institutions must give a positive answer to the legitimate expectations of the people of Europe.[332]

With this, the Commission clearly left behind the cautious approach displayed in its earlier documents. Instead of emphasising that action was necessarily limited because of the lack of a clear legal competence in the cultural field, it now seemed to be taking up a more forward-looking approach, which was all the more significant because earlier attempts to create a legal basis for cultural action by including an article on culture in the Single European Act had failed.[333]

The communication was not, however, a break with the earlier legitimation of policy. Against the background of the objective of opening up the Internal Market, scheduled to be completed by 1992, the Commission introduced the creation of a 'European cultural area' as the key idea of European cultural policy. Ensuring that the cultural field would be able adjust to the requirements set by the larger market was seen as a crucial task. This implied first and foremost the realisation of the older socio-economic objectives, such as ensuring the free movement of cultural goods and services, improving the living and working conditions for cultural workers, and creating new jobs in the cultural sector, complemented by a new focus on the emergence of a competitive cultural industry. Practical actions proposed to enable the creation of the European cultural area included support for the development of sponsorships for small businesses and industry, continued training for cultural workers, and the development of reliable statistical tools and studies to provide better information on culture in Europe. Furthermore, the Commission for the first time stressed the need for interdepartmental coordination 'to integrate the cultural dimension into the formulation and management of the various Community policies'.[334]

In addition to these socio-economic goals, the communication signalled the continuation of more specific cultural actions. Firstly, the Commission announced that is was to 'step up' its activities with regard to the conservation of Europe's architectural heritage. In addition to part-funding the restoration of a small number of 'European monuments and sites of specific historical significance', such as the Parthenon and the Mount Athos monasteries in Greece, since 1984 the Community had been operating a scheme 'to preserve and keep alive monuments and sites as part of our local

[331] Idem: 6.
[332] Ibid.
[333] See: Sandell (2002): 256.
[334] CEC (1987): 9.

environment and as tourist attractions', through which it had funded some 10 to 20 conservation projects per year.[335] In 1987, after pressure from the EP, the budget for this action was increased to allow more projects to take part.[336] At the same time, the action became more selective, with the introduction of annual priority themes designated to highlight particular aspects of architectural conservation. Secondly, regarding the promotion of cultural events with a Community-wide impact, the Commission emphasised the need to secure access to cultural resources. It proposed actions in a broad range of areas, including improving the knowledge of languages in Europe, promoting culture in the regions 'by encouraging European cultural events in the most representative sectors of cultural activity'[337], and introducing a 'young people's pass'. The latter was not only intended to provide easier access to museums and cultural events for young people, but was also found to have 'great symbolic importance'.[338] Finally, the communication called for the development of a dialogue with the rest of the world in order 'to present various facets of European culture to the world at large and, conversely, to promote a cultural picture within the Community of the non-member countries with which it enjoys close relations'.[339]

In conclusion, although it did place some new accents, the new framework proposed by the Commission overall continued along the lines set out since the late 1970s. Furthermore, many of the new actions outlined in the communication built on proposals that originated from either the EP or the Council. In practical terms, then, the actions proposed in the communication were less bold than the ambitious tone of the document seemed to suggest. What is more, in the long run it was not the Commission itself, but the Council that determined which parts of the proposals were to be executed. Soon after the communication was published, the Council designated the audiovisual sector, the book sector, cultural training and business sponsorship as the four priority sectors where action was to be taken.[340] Of these four, the promotion of books and reading had not even been mentioned as a an area requiring special attention in the communication[341], but the Council nevertheless called for the 'rapid implementation' of an earlier resolution in which it had called for the launching of a pilot scheme for the promotion of translation of important works of European culture.[342] Following a second Council resolution[343], the

[335] CEC (1988): 12
[336] Between 1984 and 1991 the budget increased from ECU 400,000 to ECU 2.6 million. By this time, the action took up around one-third of the total culture budget. See: CEC (1992): Annex A: 6.
[337] CEC (1987): 18.
[338] Idem: 21. The idea for the pass had already been tabled in the Adonnino Report and had been called for specifically in Council resolution 83/C 348/02.
[339] Idem: 24-25. In addition to this, a significant part of the Communication consists of proposals for actions in the audiovisual field, which had begun in the early 1980s. These proposals are most directly related to the completion of the internal market, and include specific actions to promote the European audiovisual industry, with the creation of a European film distribution scheme as top priority. However, as the audiovisual sector is here treated as distinct from the cultural sector as such, this will not be discussed in detail.
[340] Council resolution 88/C 197/02.
[341] As noted by McMahon (1995): 140, 144.
[342] Council resolution 87/C 309/03.
[343] Council resolution 89/C 183/01.

Commission finally launched a five-year pilot scheme that was to provide financial aid for translations of contemporary literary works.[344]

4.4 Concluding remarks

As Craufurd Smith has argued, given that '[c]ulture frequently has a commercial value, is the subject of trade, or can act as a catalyst for the sale of other goods and services', it was only a matter of time before EEC regulations relating to the free movement of goods, services and persons were found to be applicable to culture.[345] Culture naturally fell within the scope of the EEC Treaty, which meant that 'the Community had little choice but to be involved in cultural affairs'.[346] But while this may explain the Commission's focus on the application of the Treaty to the cultural sector, it does not clarify why actions were taken *outside* of the Treaty's scope, especially where cooperation was possible in the context of the COE and UNESCO. Although the need for action in an area like architectural heritage was certainly acknowledged, there is nothing to indicate that Community involvement in this area was inevitable. Similarly, the development of the various 'prestige actions' appears to have been a conscious choice, rather than an unavoidable development.

What this chapter has shown is that despite claims that the development of EU cultural policy should be seen as a deliberate attempt by the Commission to increase its jurisdiction over a previously sovereign policy area[347], it was certainly not the *only* actor trying to influence the policy process, and at times not even the dominant one. Commission, Council and the EP have all had a role to play in setting the agenda and pushing forward different issues at different times, albeit with different levels of success, due in part to the means at their disposal.

In the early stages, the EP was clearly the key actor in terms of agenda-setting, although its power to actually implement any of its proposals was limited. While some important resolutions were adopted, the EP held no executive or legal power, which meant that it could do little more than call on the Commission to take actions without being able to ensure that its wishes would be acted upon. Nevertheless, it can be noted that much of the EP's proposals resulted in actions taken by the Commission, even if only after a period of time. In addition to that, through its budgetary powers the EP was instrumental in setting up limited cultural actions throughout the 1970s and 1980s.

The importance of the Council only became apparent much later in the process. Initially the Member States had refrained from acting, preferring instead to cooperate within the context of intergovernmental bodies like the

[344] The pilot had a budget of ECU 200,000 per year, a tenfold increase compared to the earlier 'Assistance for literary translation' action, which had been launched in 1982.
[345] Craufurd Smith (2004a): 2 and (2004b): 26.
[346] Craufurd Smith (2004b): 26.
[347] See e.g. McMahon (1995: 156); Sassatelli (2006); Littoz-Monnet (2007).

COE and UNESCO, and even after becoming involved formally around 1983 the range of the Council's activities remained limited. However, by the second half of the 1980s it started to take up a more active stance and came to determine, at least in part, the direction of EU cultural policy, for instance by prioritising an area like books and reading, which the Commission itself had not regarded as essential. But whereas the EP remained a constant supporter of cultural action throughout the whole period, the Council was much more ambivalent in its actions, largely as a result of the different preferences of the Member States.

The Commission's position has at times been rather ambivalent as well. While it actively attempted to develop some limited actions, especially in its first two communications the Commission made sure to stress the limited competence of the Community to deal with cultural matters other than those falling within the scope of the Treaty, and denied wanting to take these actions any further. Craufurd Smith has argued that this cautious approach signals an awareness of the fact that actions in this field 'would be problematic for certain Member States' as well as the established international organisations such as the COE.[348] This conclusion is justified not only because the Commission itself has underlined this on numerous occasions, but also by the fact that the Commission started making bolder statements about the 'political necessity' of actions in the cultural field only after the Council had shown itself more supportive of this.

As a result, throughout the 1980s European cultural policy remained a patchy affair, without any structured approach to bind together the limited cultural projects that were being developed with reference to the socio-economic requirements of the Treaty on the one hand, and the politically necessity to improve the Community's image on the other hand. The implementation of the various projects remained slow, and due to budgetary restraints the Commission was unable to follow up on the increasing number of resolutions passed by both EP and Council.[349] While funding often remained incidental, the few exceptions of projects that did receive more structural funding over a longer period of time, like the ECOC and the restoration of the Parthenon, were often of a more symbolic nature.

Nevertheless, by the beginning of the 1990s actions were in place across a range of areas.[350] In addition to initiatives taken by the Commission in the exercise of its economic, social and legal responsibilities in the cultural field' and measures to provide vocational training for those working in the cultural

[348] Craufurd-Smith (2004b): 21-22.
[349] CEC (1992): Annex A: 4. The budget had nevertheless been increasing since the end of the 1970s. Starting with a budget of 20,700 EUA in 1976, the funds dedicated to cultural projects had already risen to ECU 686,500 in 1982. By 1986, as the Community had expanded from 9 to 12 Member States, the budget had increased to ECU 3.5 million, while by 1993 ECU 12 million was spent on culture. However, this was still very limited compared to the overall budget. Between 1989 and 1993, 0.014% of the total Community budget was available for spending with a direct cultural objective (excluding the audiovisual sector). For more, see Ellmeier (1998): 121.
[350] For a detailed overview of the Community's cultural activities before 1992, see CEC (1992): Annex A.

sector, activities in the field consisted of the funding of a number of prestige actions like the ECOC, the various European prizes and cultural organisations with a European scope, such as the ECYO, as well as actions in support of specific cultural areas. Of the latter, architectural heritage was the area in which the Community's involvement was developed most strongly. Given that this area could be linked directly to more established policies, such as tourism, employment and research, this is not that surprising.[351] Actions could thus be justified with reference to the social and economic benefits of conservation, 'in terms of jobs, training, research, new technology, regional development, the tourist and environment industries and quality of life'.[352] Also, within the Council, the protection and promotion of cultural heritage was seen as a key issue by especially those countries that had relatively high costs of caring for their own tangible heritage, such as Italy and Greece. Similarly, the Council's support for the area of books and reading, and especially the pilot scheme for the translation of literary works, can be seen in light of the positive effects that this scheme might have on the production of works in the smaller languages of the Community. It is noteworthy that although the EP had already called for action on books and reading as early as 1976, it was only after the Council pressed for action in this field that the Commission finally started a pilot programme. While projects in these two areas were developing slowly, other segments of the cultural sector, in particular the visual arts and the performing arts, for a long time remained outside the scope of Community action. While limited support was given to some specific organisations and one-off events, such as the travelling exhibition of Community painters and the European Music Year, it was not until the 1990s, and effectively only after the inclusion of an article on culture in the Treaty of Maastricht, that actions in these areas began to be developed on the same level.[353]

[351] For this observation, see Ellmeier (1998): 131.
[352] CEC (1992): Annex A: 4.
[353] In 1990 the Commission launched a call for participation in the 'European Cultural Scene', a programme of experimental actions in the area of creative arts. This was launched by a number of pilots including (in 1992) a pilot scheme for the what was to become the Kaleidoscope programme (see chapter 6). The latter aimed 'to gain greater recognition for national, regional and local culture throughout Europe, to encourage cultural cooperation through joint workshops and to promote contemporary artistic creativity and awareness of Europe's shared cultural heritage', as well as to promote awareness and dissemination of the culture of the peoples of Europe. See CEC (1992): Annex A: 12.

CHAPTER 5
THE LEGAL BASIS FOR COMMUNITY CULTURAL POLICY

As the previous chapter has shown, although Community involvement in the cultural field gradually expanded throughout the 1970s and 1980s, its development was significantly restricted by the absence of a clear competence in this area. The Treaty of Rome contained only two minor references to culture, neither of which provided sufficient grounds to base further cultural actions on, and since all Community actions must have a legal basis in the Treaty, actions could only be carried out in so far as they could be justified on the grounds of other provisions.[354] In practice, this meant that the majority of the measures taken were connected to the economic and social objectives of the Treaty. Some of the high profile actions, such as the European City of Culture event and the 'People's Europe' projects, were presented as contributions to the general task of promoting 'ever closer union' between the peoples and states of Europe[355], and the Commission conceded that some other measures, especially in relation to the preservation of architectural heritage and the promotion of cultural exchanges, went 'over and above the application of the Treaty to the cultural sector'.[356] But on the whole, these actions remained rather limited and were often restricted to the development of one-off events or pilot programmes with limited funding.

To strengthen the legal basis for cultural action, attempts had been made to include culture into the list of Community competences during the preparations of the SEA in the mid-1980s, but these had failed to gather enough support among the Member States.[357] It was not until the start of the 1990s, during the negotiations on the new Treaty of Maastricht, before the Member States could finally reach agreement on adding a specific article on culture to the Treaty (Article 128, now Article 151 EC)[358], which conferred upon the Community the competence to act in the cultural field. Since the EC Treaty came into force on 1 November 1993, this has provided the primary legal basis for any Community action in the cultural field. Apart from meeting this legal requirement for any Community action to be undertaken, Article 151 EC is significant for a number of reasons. It set out the aims of this action,

[354] References to culture were included in Article 36 EEC, which allowed restrictions on the imports and exports of goods on grounds of 'the protection of national treasures of artistic, historical or archaeological value', and Article 131 EEC, which permitted 'the furthering of the interests and prosperity' of the inhabitants of specific Overseas Countries and Territories 'in such a manner as to lead them to the economic, social and *cultural development* which they expect' (my italics). Both references were retained in the EC Treaty albeit in a slightly different formulation (currently Articles 30 and 182 EC).
[355] Preamble of the EEC Treaty, first recital, as well as Article 2 EEC.
[356] CEC (1977): 19.
[357] See Sandell (2002): 256, and Craufurd Smith (2004b): 24.
[358] Originally Article 128 EC as part of the Treaty of Maastricht, the article became Article 151 with the major renumbering of the as part of the Treaty of Amsterdam (1997), which also introduced minor changes to the article. In the following, the article will be referred to under its current number and in its current form.

establishes how the Community's power relates to the competences of the Member States, determines the means available to the Community in exercising its competence, and sets out the decision-making procedure to be adhered to, as well as the institutions to be involved in this process. Any understanding of the objectives of Community action in the cultural field therefore has to be based on a thorough analysis of the culture article. For that reason, this chapter will provide an analysis of the contents and specificities of the article, focusing specifically on the objectives contained within and how these relate to the general objectives of the Treaty.

5.1 Objectives of the culture article

Although the EC Treaty contains more than one reference to culture, Article 151 is the only article that directly refers to the purpose of Community cultural policy. Its opening clause states that

> The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.[359]

The first segment of this clause can be related directly to the general tasks of the EC Treaty, marked out in Article 2 EC. This article requires that, among other things, the Community promotes 'the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States'.[360] Although this provision does not refer to culture directly, Article 3 EC, which contains an extensive list of activities to be carried out by the Community in order to achieve the ultimate aims set out in Article 2 EC, indicates that it may be interpreted as such. Article 3 EC states that

> For the purposes set out in Article 2, the activities of the Community shall include […] a contribution to education and training of quality *and to the flowering of the cultures of the Member States*.[361]

Given that this provision, which explicitly confers competence in the cultural field upon the Community, is repeated word for word in Article 151, the latter can be read as a further clarification of what this competence entails. This starts with two additional requirements set out in the second part of Article 151(1), namely that, on the one hand, the national and regional diversity of the Member States is to be respected, while on the other hand the common cultural heritage is to be brought to the fore.

The first of these requirements serves two functions. First of all, it confirms that cultural diversity exists both between and within the individual Member States, something that is further accentuated by the use of the plural form *cultures*. Secondly, it emphasises that the intention of Community involvement is not to create a European culture to replace the individual cultures of and

[359] Article 151(1) EC.
[360] Article 2 EC.
[361] Article 3(q) EC; my italics.

within the Member States; on the contrary, it underlines that the existing diversity is to be respected.[362] This objective contains a double obligation: it restricts Community actions to the extent that action taken may not be harmful to the existing cultural diversity; and as part of the Community's ultimate task to contribute to the flowering of the cultures of the Member States it forms an incentive for the Community to ensure that this diversity can be developed.

While this first requirement of Article 151(1) sets some limits on the extent of Community involvement, the second more straightforwardly confers upon the Community the task to highlight the common cultural heritage. This task can again be seen as a contribution to the overarching Community objective of promoting 'solidarity among Member States'[363] and as such, this further legitimises the argument used as a basis for the long-standing practice of utilising culture as a means to help bring the peoples of the Member States closer together.

The next clause contains more instrumental tasks, setting out the scope of the actions envisaged to obtain these objectives by highlighting four different (though interrelated) areas in which action is to be undertaken 'aimed at encouraging cooperation between the Member States and, if necessary, supporting and supplementing their action'.[364] Firstly, the Community is to contribute to 'improving the knowledge and dissemination of the culture and history of the European peoples', a task that is directly in line with the overarching objective of promoting solidarity among the Member States. Secondly, it is to 'conserve and safeguard cultural heritage of European significance'. In contrast to the more general reference to bringing the *common cultural heritage* to the fore (in the first clause of Article 151), this seems to refer more literally to cultural heritage in the sense of existing works of art and architecture.[365] This clause also contains the noticeable criterion that that the heritage to be protected must be of *European significance*, which appears to be a wider requirement than mere *Community* significance, although it is not explained how this significance is to be determined.[366] Thirdly, a contribution is to be made to *'non-commercial cultural exchanges'* between the Member States, and finally, the fourth indent of Article 151(2) mentions 'artistic and literary creation, including in the audiovisual sector' as areas to which the Community is to contribute.

All of these actions have roots that precede Article 151, thus providing a retrospective legitimation for the Community's earlier actions. As shown in the previous chapter, both the protection of the European heritage and the promotion of cultural exchanges had been core activities of the Community in the cultural field since the end of the 1970s. Similarly, the specific task of

[362] A similar condition can be found in the fifth recital of the preamble to the TEU, in which the signatory parties express their desire to 'deepen the solidarity between their people *while respecting their history, their culture and their traditions*' (my italics).
[363] Article 2 EC. Similarly, it relates to the task of laying 'the foundations for ever closer union among the peoples of Europe' (preamble to the EC Treaty, first recital).
[364] Article 151(2) EC.
[365] For a different opinion, see Zapatero (2001): 13.
[366] See also Craufurd Smith (2004c): 294.

improving the dissemination of this culture and history of the European peoples could build on earlier actions such as the introduction of the 'young people's pass' and the promotion of life performances. In comparison to these more or less established actions, the encouragement of artistic and literary creation was a relatively new task for the Community, although action programmes in the fields of books and reading and the creative arts had been launched just prior to the introduction of the article in the Treaty of Maastricht.

While these tasks are all directed at actions taking place within the Community, Article 151(3) adds the requirement that the Community and the Member States are to 'foster cooperation with third countries and the competent international organisations active in the sphere of culture, in particular the Council of Europe'. Like the tasks listed under the second clause, this provision does not add anything new but builds upon established practice. For instance, the Lomé Convention of 1985 already contained cultural provisions[367], while in 1990 a European Cultural Month event had been created, roughly following the model of the ECOC, to be organised in a different non-member European country each year.[368] Furthermore, references to cooperation with the COE and other international organisations such as UNESCO merely reconfirm the importance already attributed to these organisations as platforms with a long-established practice of international cultural cooperation that were expected to continue developing their actions alongside the Community.[369]

As Article 151 does not make any further distinction between the specific objectives to which the actions set out in these two clauses are to contribute, it appears that all are intended to contribute to supporting and promoting the cultural diversity of the Member States and to stressing the commonality of the culture of its citizens alike. However, while it may not be too difficult to see how cultural exchanges can be a way 'to show the cultural similarities, links and affinities between all the countries and regions of the Community and, at the same time, the various national and regional contributions to that culture'[370], it may be more difficult to see how the preservation of cultural heritage or European significance or support for the creation of new artistic works fulfil this requirement. What is more, there appears to be a crucial tension appears between the two objectives.

As shown in the previous chapter, the focus on the common cultural heritage had come to the fore in the 1980s as a means to achieve the more general political goals of bringing the people of Europe closer together and fostering support for the European integration project, and as such had received significant support from especially the European Council and the EP. However, the Member States largely remained suspicious of any action that

[367] For a discussion on whether or not Article 151(3) confers on the Community the power to conclude international cultural treaties, see Loman *et al.* (1992: 199) and Zapatero (2001: 14).
[368] *OJ* C 162, 3 July 1990. The Polish city of Krakow was the first to hold the title, in 1992.
[369] However, according to Sandell (2002: 259) this reference to fostering cooperation with the COE 'was an oblique reference to the previous lack of cooperation – sometimes to the point of hostility – between the Commission's DG X and the Council of Europe'.
[370] CEC (1977): 21.

aimed to highlight the existence of, let alone develop, a common culture, regarding it as having 'the potential to bring into question exiting (national) allegiances and frames of reference.'[371] Given this apprehensiveness, it is significant that the article emphasises the existence of cultural diversity within and between the Member States. During the 1980s this element had not received much emphasis in Community cultural actions, but it was now firmly established in both Article 151 and the preamble to the TEU. The fact that both conflicting objectives were included in the article was the direct result of the inclusion of the article in the Treaty of Maastricht being a necessary compromise between quite opposing arguments.

5.2 Restriction or opportunity?

Prior to the start of the negotiations on the new Treaty, the European Council had noted 'a wide recognition of the need to extend or redefine the Community's competence in […] safeguarding the diversity of the European heritage and promoting cultural exchanges and education', in light of which a number of proposals for an article on culture were tabled in the negotiations.[372] But while the Member States finally appeared to be united in the view that action was to be undertaken regarding the Community's competence in the cultural field, this did not automatically mean that all were agreed on what the outcome of this process should be.

In particular the northern European Member States had voiced strong reservations about conferring any competence in the cultural field on the Community. But rather than keeping culture out of the Treaty altogether, this group regarded the inclusion of a culture article in the Treaty as an opportunity to protect their national competences in the cultural field against the unpredictable encroaching of Community law. For example, a proposal made by the Dutch government was driven by a growing concern about the predominantly economic treatment of national cultural expressions by the Community. The Dutch article was thus intended to firmly establish Community and Member State responsibilities in this field, and to ensure that any Community action would be purely additional and concerned only with cross-border aspects, such as mergers in the cultural industries and international traffic of cultural goods.[373]

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[371] Craufurd Smith (2004a): 15.

[372] 'Conclusions of the presidency' on the European Council of 14-15 December 1990, *Bull. EC 12-1990.* 'Conclusions of the presidency', point 1.8(viii). Separate but largely comparable proposals were made by Denmark, the Netherlands and Spain, while the Commission presented its own article on 'culture and the protection of the heritage', which called for 'measures to encourage European artistic creation, cultural exchanges, multilingualism and audiovisual cooperation' (CEC (1991)).

[373] See Kuypers (1993): 167. The Dutch proposal also allowed for an exception to be made to the existing article prohibiting state aid (Article 92 EEC), in order to let the Member States maintain control over their own national cultural policies, including their possibilities for supplying financial support. Although the original provision did not specifically mention culture among the exceptions to prohibition of state aid that were allowed in given area, in practice the Commission already accepted this practice (see Loman *et al.* (1992): 191-192, and Niedobitek (1997): 5-6). The explicit exception was finally added to the Treaty in the form of a

The inclusion of the article was also regarded as a way to strengthen the position of the Ministers responsible for cultural affairs in the Member States. Although for a number of years these had been meeting in the Council in order to deal with some issues directly regarding their field, the lack of Community competence in the cultural field had meant that they had very little say with regard to measures taken under the banner of, for instance, competition policy or the free movement of goods, despite the impact of such actions on national cultural policies. This also explains the specific content of Article 151(4), as an attempt to strengthen the position of cultural issues when balanced against more economic (commercial) interests.[374] On the other hand, some countries, the Mediterranean ones in particular, regarded the creation of a separate provision on culture as an opportunity to expand Community action in the cultural field, with some seeing enhanced Community action as a way to alleviate the growing financial burden of maintaining and protection their cultural heritage.[375] Furthermore, building upon the established practice of utilising cultural cooperation and 'prestige projects' as a way to bring the people of Europe closer together, it was hoped by some that the enhanced Community action resulting from the introduction of culture in the Treaty might result in stronger public support for the European integration project.[376]

Article 151 can thus be read as a compromise between two seemingly contradictory goals: on the one hand, the desire to open the way for wider Community action in the cultural field, in particular to highlight the shared cultural heritage, and on the other hand the wish to restrain any further Community involvement and preserve the existing cultural diversity. The final result of the negotiations did create a legal basis for Community action in the cultural field, specifically by allowing the Community to provide funding for action programmes, but at the same time it significantly restricted the procedures and types of instruments available to the Community to contribute towards the objectives set by the article.

One of the most significant of these restrictions can be found in Article 151(2), which emphasises that '[a]ction by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action […]'.[377] This paragraph clearly states that the role of the Community is to be secondary to the actions taken by the Member States, and as such it echoes the principle of subsidiarity, one of the key principles underlying EU policy-making that had been introduced into the EC Treaty to counter the reduction of sovereignty by limiting the gradual increase of Community competences.[378] Expressed in broad terms in

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new sub-paragraph (now Article 87(3)(d) EC), which permits the Commission to allow individual Member States to grant aid for the promotion of culture and heritage conservation 'where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest'.

[374] See also Craufurd Smith (2004b: 52).

[375] See Gordon (2007): 15.

[376] See Forrest (1994: 17).

[377] Article 151(2) EC.

[378] See for instance McCormick (2008): 261.

Article 5 EC, this principle specifies that decisions should be taken at the lowest possible level of decision-making. That is, unless the Community has been given exclusive competence over an area, action by the Community is only allowed if, for reasons of scale or effects, the Community is more capable than the Member States themselves of undertaking the actions necessary to achieve the objectives of the Treaty. Furthermore, an additional limitation found in the final part of the article stipulates that Community action cannot go beyond what is necessary to achieve the objectives of the Treaty.

As Community action in the area of culture is necessarily confined to the general principles of the Treaty, any Community action in the cultural field necessarily has to adhere to the subsidiarity principle. This implies that the existence of Article 5 EC in itself should be sufficient to ensure that cultural actions are treated in a subsidiary manner. The fact that the principle takes up such a prominent place within Article 151 can therefore be seen as an extra guarantee for the Member States that national and regional competences in the field of culture will be protected against the growing force of the Community.[379] The phrasing of Article 151(2) removes all doubt that the Community is to play anything but a secondary role: the only Community actions allowed are those which aim to stimulate cooperation between the Member States and actions to support and supplement the actions taken by the Member States, and only 'if necessary'. The article thus serves to directly delimit the scope of Community cultural action and to secure cultural policy as the sovereign prerogative of the Member States.[380]

The subsidiary nature of Community involvement is further underlined in Article 151(5), which empowers the Community to adopt two specific kinds of instruments to carry out the tasks set in the first two provisions of the article. Firstly, the EP and the Council, acting under the co-decision procedure, are to adopt incentive measures, defined by the European Council as:

> Community measures designed to encourage cooperation between Member States or to support or supplement their action in the areas concerned, including where appropriate through financial support for Community programmes or national or cooperative measures designed to achieve the objectives of these Articles.[381]

The inclusion of this instrument creates the opportunity to go beyond the limited *ad hoc* actions of the 1980s, as it allows for Community funds to be dedicated specifically to Community programmes and various other measures. However, the clause adds a limitation by excluding any attempt to harmonise the laws and regulations of the Member States in the cultural

[379] Zapatero (2001: 10) maintains that these additional references to subsidiarity were included because Article 5 'was no doubt considered insufficient, given concerns about preserving national and regional cultural spheres of competence'.
[380] This way of implicitly emphasising subsidiarity in the individual articles can be found in particular in areas in which Community competence was first established by the Treaty of Maastricht and in which the Member States were keen to retain their sovereignty (compare for example Arts. 149(1) on education and 152(2) on public health).
[381] Edinburgh European Council, 11-12 December 1992; cited in Zapatero (2001): 19.

field.[382] Secondly, on the initiative of the Commission, the Council is to approve recommendations. As the ECJ has observed, these are 'generally adopted by the institutions of the Community when they do not have the power under the Treaty to adopt binding measures or when they consider that it is not appropriate to adopt more mandatory rules'.[383] Indeed, of the four instruments potentially available to the Community under Article 249 EC, recommendations are the only acts that do not have binding force and are considered 'merely of indicative value for their addressees'.[384] The fact that Article 151 only allows for these limited types of instruments to be employed explicitly excludes harmonisation and implicitly excludes the adoption of stronger instruments like regulations, directives and decisions[385], appears to signal that European involvement is not meant to install a set of uniform policy rules, nor does it strive for the standardisation of culture. This latter point reinforces the requirement that the diversity of the national and regional cultures is to be respected, which reflects the concern that conferring competence in the cultural field on the Community might lead to the suppression of national and regional diversity by an overarching and harmonising European culture.

In addition to this, Article 151(5) requires the Council to act unanimously when taking decisions and adopting recommendations. This additional check, which effectively gives each Member State the ability to block any proposal made under the article, has been regarded as one of the most restrictive elements included in the article.[386] The inclusion of the unanimity requirement is remarkable for two reasons. Firstly, while most of the other restrictions discussed here are mirrored in the other subsidiary areas that were created as new Community competences in the Treaty of Maastricht (such as education, health and consumer protection), actions in all these articles require QMV instead of unanimity. A much large number of provisions in the Treaty of Maastricht retained unanimity, but most of these were 'politically sensitive matters'.[387] The fact that actions in the new competence area of culture were made to fall under this requirement as well, thus confirms the impression that culture was still regarded as a sensitive issue as well.[388]

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[382] The exclusion of harmonisation measures is found in all five instances in which incentive measures are mentioned as instruments in the EC Treaty. The other provisions are: Articles 13(2); 129; 149(4), first indent; and 152(4)(c). Outside of the context of incentive measures, harmonisation is only excluded in Articles 150 and 137(2)(a).

[383] ECJ, Case C-322/88, *Grimaldi* [1989], cited in Lenaerts & Van Nuffel (2006): 782.

[384] Zapatero (2001): 19.

[385] The Community's programmes in the cultural field have generally been adopted as decisions by the EP and the Council. However, these have been *sui generis* decisions, which differ from decisions as intended under Article 249 EC and are often the form in which incentive measures are adopted. While such decisions are generally intended as binding acts, they have far less importance than decisions as intended in Article 249 EC. See: Lenaerts & Van Nuffel (2006): 784.

[386] For instance, a working paper by the Spanish delegation to the European Council, which evaluated the first 10 years of the existence of the article, noted that unanimity-voting was one of the main elements that had 'unnecessarily slowed the development' of the article. (Zapatero (2001: 41)).

[387] Beaumont & Moir (1994): 32-8.

[388] At least for the German *Länder*, which insisted on this requirement being added to the article in the very last phase of the negotiations (see Bekemans & Balodimos (1992): 31).

Secondly, and perhaps more significant for the decision-making process, unanimity sits uneasily with the requirement in Article 151(5) that incentive measures are adopted in accordance with the co-decision procedure, which in almost all other instances normally requires QMV.[389] The combination of the two is a rare occurrence, found in only one other provision of the Treaty of Maastricht.[390] The requirement of unanimity in the Council not only has the potential to slow down the negotiating process, but in this case it may also weaken the EP's negotiating position in the conciliation stage of the procedure.[391] Since any Member State can halt progress in the Council, it can become extremely difficult to achieve workable compromises, not only between EP and Council, but even within the Council itself.[392] On the other hand, it has been argued that the effect of the unanimity requirement should not be overestimated. It effectively gives veto power to every Member State (which may result in all parties endeavouring to accommodate the one party that is opposed to a proposal) but it has been noted that, as the Council typically operates through 'an ongoing process of bargaining and negotiation'[393], even in areas where QMV voting is established, the Council still tends to look for consensus. [394] Sherrington has even argued that the difference between unanimity and QMV is not really that relevant, as the Member States tend to avoid the voting process. Rather,

> [i]t is the prospect that a vote could be taken which seems to be the crucial factor when analysing [QMV]. […] given that it's only the knowledge that a vote could be taken that is important, these remnants of unanimity under co-decision hold negligible significance and are less of an anomaly, as previously suggested.[395]

Finally, a further protection for cultural diversity can be found in Article 151(4), which obliges the Community to 'take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect

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That culture was a sensitive issue is further illustrated by the fact that the provisional article prescribed decision-making under the consultation procedure, under which the EP would merely have been entitled to give its opinion (see Loman *et al.* (1992): 197, note 46). Should the consultation procedure have remained the requirement for actions in the cultural field, this would have been in line with Beaumont & Moir's (1994: 32-9 and 32-192) observation that 'the vast majority of nationally sensitive areas' was excluded from the co-decision procedure.

[389] This procedure is described in Article 251 EC. Unanimity is also required for the adoption of recommendations. This is less uncommon, but also not a necessity. For instance, Article 149(4) EC only requires QMV for the adoption of incentive measures and recommendations.

[390] The only other article to which this applies in the Treaty of Maastricht was Article 130(i), concerning the adoption of multi-annual framework programmes on research and technological development. The Treaty of Amsterdam dropped the unanimity requirement for this article (which became Article 166), but extended the co-decision procedure to two articles that already required unanimity, Arts. 42, on social security measures for migrant workers, and 47(2) on the coordination of constraints on the freedom of establishment. See also Hayes-Renshaw & Wallace (2006).

[391] Beaumont & Moir (1994): 32-141. See also Sherrington (2000): 175.

[392] Idem: 32-192.

[393] Hayes-Renshaw & Wallace (2006): 17.

[394] This has also been noted by several policy-makers interviewed by the author.

[395] Sherrington (2000): 175-176.

and to promote the diversity of its cultures'.[396] This clause intends to strengthen the position of cultural considerations in competition with other policy ambitions and opposing Treaty objectives, and thus aims to protect the cultural field, and cultural diversity in particular, against potentially negative consequences of actions taking place in other policy areas[397], although it has also been interpreted more progressively as a way to secure funding for cultural projects through funds intended for other policy purposes, such as the Structural Funds.[398] As such, the potential impact of this clause on the cultural field is significant, although its actual effect has been cause for considerable debate.[399]

In conclusion, the article intentionally allows the Community to undertake actions in the cultural field, but the many restrictions built into the article serve to reign in the extent of the Community's involvement and to protect the existing cultural diversity, including the different cultural policies of the Member States, from the threat of the development of a homogenising European culture.

5.3 Concluding remarks

Various studies of Article 151 have come to different conclusions about the article's (possible) impact. Some have regarded it as an *obligation* to come to a more active Community policy in the cultural field[400], while others have been of the opinion that the many restrictions built into the article might actually reduce Community competence even further than was the case prior to 1993, or would at least keep the article from having any significant impact on the development of a Community policy in the cultural field.[401] The difficulty in interpreting the meaning of Article 151 stems at least in part from the fact that its objectives are phrased in rather muddled terms and come across as rather

[396] The explicit reference to respecting and promoting cultural diversity was only added to the article with the amended Treaty of Amsterdam (1997), but it would appear that this meaning was already intended in its original form as well. For instance, in an analysis carried out for the EP in 1992, Bekemans & Balodimos (1992: 32) conclude that '[t]he purpose of this paragraph is to safeguard culture and cultural diversity in the Community'. According to Craufurd Smith (2004b: 50), the addition indicates 'that cultural variations should be taken seriously and given due weight, a concern also reflected in Article 6 TEU, which states that '[t]he Union shall respect the national identities of its Member States'.

[397] For instance, it would require the Community to consider the possible consequences of a new piece of employment legislation such as the Working Time Directive, on the working practice of orchestras. For this example, see Fisher (2007): 4.

[398] See Mercouris (2002).

[399] For a more detailed discussion, see e.g. Bekemans & Balodimos (1992); Niedobitek (1997); Kaufmann & Raunig (2002), Mercouris (2002) and Fisher (2007). As this clause explicitly brings cultural aspect into the modus of operation of other policy areas, the significance of this debate goes beyond the scope of the present study. Accidentally, this fact is a major contributing factor to it being difficult to establish the scope of Community cultural policy, as noted in chapter 2.

[400] For instance, Smiers (2002: 3) has stressed that the article is written in the imperative, as reflected in the use of phrases like 'shall' and 'must' instead of 'can' or 'may'. This form, he argues, makes the text a call to action.

[401] For this view, see Niedobitek (1997); McMahon (1995: 175); Loman *et al.* (1992: 196).

ambivalent, as a result of which it remains unclear what it really intends to achieve.[402] Craufurd Smith has concluded that

> [t]his lack of clarity provides considerable latitude for the development of Community policies, but it also obscures difficult and contentious questions concerning Community objectives and priorities in the cultural field. It could equally undermine the effectiveness of certain provisions.[403]

As an example, while the article explicitly states that action is to be taken to bring the 'common cultural heritage' to the fore, it fails to specify what is meant by this. It does imply that such a heritage already exists, which is contentious in itself.[404] Likewise, phrases such as 'cultural heritage of European significance' and 'the culture and history of the European peoples' remain notoriously ambiguous. The latter phrase, for instance, may be interpreted broadly as referring to all the diverse cultures of the inhabitants of the territory of the EU, or even within the wider continent, but can also have a more narrow meaning in which it only includes those cultures that are distinctively 'European', at the expense of migrant cultures.[405] It may also make quite a difference whether 'culture and history' are promoted as something common to all of these 'European peoples', or if the differences in cultural and historical experiences are emphasised instead. Although the fact that 'culture and history' is phrased in the singular may be indicative of the former, this remains open to further interpretation.[406]

Additionally, while the article contains a number of significant restrictions, the way in which the article is phrased suggests that these may not be as restrictive as they appear. According to Kuypers, the restriction that the Community is only to 'support and supplement' serves as only a vague limitation to action, as it may be argued that *every* cultural activity employed by the Community supplements Member State action. [407] More problematic even is the interpretation of the Community actions listed under Article 151(2). In restrictive readings, this paragraph has been interpreted as a limitative short list 'constituting further curbs on the Community's powers to act and further proof of the Member States' wariness of entrusting management of these sectors to the Community'.[408] However, it may also be read as a mere indication of areas in need of special attention, without necessary excluding action to be taken in areas that are as yet undefined. Furthermore, it has been noted that the four activities mentioned 'are expressed in broad, open-ended terms, and are capable of encompassing a wide range of cultural initiatives'.[409]

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[402] See also chapter 2 on the lack of definition of 'culture'.
[403] Craufurd Smith (2004b): 53.
[404] See the discussion on the contentiousness of 'European culture' as an exclusionary concept in chapter 1.
[405] See Craufurd Smith (2004c): 286.
[406] According to Kaufmann & Raunig (2002: 11), this phrase constructs a 'fixed and homogenous cultural "entity"'. For a more detailed interpretation which highlights the different possible interpretations, see Craufurd Smith (2004c): 288.
[407] Kuypers (1993): 170-171.
[408] Bekemans & Balodimos (1992): 10.
[409] Craufurd Smith (2004): 51.

However, despite significant criticism of an overtly restrictive interpretation of the subsidiarity principle and, consequently, a rather limited implementation of the article[410], the general consensus seems to be that Article 151 did provide a basis, albeit a limited one, for the Community to play a more active role in the cultural field, especially in the areas of cooperation and exchange. [411] While part of the article serves to restrict Community action, so that national and regional cultural policies may retain their autonomy, the fact that limited competence was conferred upon the Community did serve to recognise *de jure* what had already developed as a *de facto* Community competence in the 1980s. Now that a legal justification for cultural action had finally been provided, albeit under specific conditions, it was no longer necessary to find an alternative legal basis for cultural action within the predominant socio-economic objectives of the Community, as had been the case prior to this.

As the analysis in this chapter has shown, the actions described in Article 151 appear to be driven primarily by the overarching political objective of promoting solidarity among the Member States. Most actions can be seen to contribute to this goal, both in relation to the preservation of cultural diversity and highlighting the common cultural heritage. 'Ever closer union' among the people of Europe may be promoted by highlighting the culture and history these people have in common, but also by bringing people from across the Member States into contact with the unknown culture and history of their counterparts in other European countries, as knowledge and contacts may contribute to breaking down the borders between the various peoples. The same rationale had been the basis for the promotion of cultural exchanges, which since the 1970s had been regarded as a way 'to show the cultural similarities, links and affinities between all the countries and regions of the Community and, at the same time, the various national and regional contributions to that culture'.[412] Similarly, the task to foster cooperation with third countries appears to serve a predominantly political purpose. This has been confirmed by the Commission, which has stated that 'the Community should capitalize more on its cultural relations in its political dialogue with the countries and continents with which it has historical ties with a view of promoting mutual understanding'.[413] In addition to that, the Commission has said that cultural cooperation with third countries could be used to 'enhance' the Community's 'general image'.[414]

This political rationale appears less prominent in the tasks of supporting artistic and literary creation and protecting the European cultural heritage. While the latter may also be said to contribute to the Community's general image, the real motivation for these two actions remains somewhat unclear.

[410] For instance, MEP Ruffolo (2001: 11) criticised the 'restrictive interpretation of the subsidiarity principle' for preventing 'systematic co-operation between EU cultural measures and national cultural policies', while Kaufmann & Raunig (2002: 12) noted that 'invoking the principle of subsidiarity serves all too well for some, in order to avoid any further development of policies, programmes, ideas, visions etc. at the European level'.
[411] Kaufmann & Raunig (2002): 12.
[412] CEC (1977): 21.
[413] CEC (1992): 1
[414] Idem: 14.

Both the creation of new works of art and literature and the preservation of existing works contribute to the 'flowering of the cultures Member States'. While the conservation of cultural heritage preserves what is already there, stimulating the creation of new works adds to keeping cultures alive. This task can also contribute quite directly to the promotion of diversity, for instance by supporting the creation of new works in lesser-used languages.

The economic rationale, on the other hand, appears to be largely absent from the article. If anything, the inclusion of Article 151 in the Treaty of Maastricht made it possible to undertake actions *outside* of the scope of the economic objectives of the EEC Treaty, while Article 151(4) in particular serves to give greater weight to cultural objectives in dealing with economic issues. This is not to say that the actions taken do not or cannot have any economic merit; for instance, Bekemans and Balodimos have argued that support for architectural heritage protection 'is based on the fact that any effort to conserve the architectural heritage not only is culturally important, but also represents an investment in Europe's economic, social and regional development'.[415] Likewise, Craufurd Smith has pointed at the economic rationale underlying actions taken to improve the knowledge of the culture and history of the European peoples, namely that this 'encourages individuals to exploit the opportunities opened up by the internal market', such as working or holidaying in another Member State. This is based on 'a belief that the development of a particular 'European' sensibility will lead consumers to prefer European, as opposed to American or Asian, goods or services'.[416] However, these economic arguments would appear to be indirect goals, as they cannot be deducted directly from Article 151.

Following up on the analysis of this chapter, which has been based primarily on existing legal interpretations of and commentaries on Article 151, the next chapter will examine how the new competence in the cultural field was brought into practice. The analysis will start by looking at how the European institutions interpreted the scope of the new article, and what this implied for the future direction of EU cultural policy. This will be followed by a discussion of the development, objectives and contents of policy actions in the cultural field throughout the 1990s.

[415] Bekemans & Balodimos (1992): 19.
[416] Craufurd Smith (2004c): 289-290.

CHAPTER 6
DEVELOPMENT OF PROGRAMMATIC ACTIONS

Although Article 151 EC for the first time provided the Community with a legal basis for its involvement in the cultural sector, albeit a limited one, this did not immediately result in a drastic widening of Community cultural action. The new article primarily sanctioned the practice of Community involvement as it had been developing since the end of the 1970s, but, as the previous chapter has shown, it did not necessarily widen its scope. Nevertheless, it did allow the European institutions, the Commission and the Council in particular, to take to a more active stance. From the early 1990s onwards, this gradually resulted in the development of a more structured approach to cultural actions. Although many of these actions had already been started, in some form, prior to 1992, Article 151 EC enabled the Commission to start bringing them together as more than a makeshift selection of one-off projects and pilot schemes. Starting with the development of separate multi-annual sectoral programmes for the fields of heritage, books and reading, and artistic creation, this development would eventually cumulate in the first comprehensive framework programme to cover the cultural field as a whole, Culture 2000.

6.1 Development of the first cultural programmes

The Commission's interpretation of the newly established competence in the cultural field is best summed up in its 1992 communication 'New prospects for Community cultural action'. Published while the ratification of the new Treaty was still underway, this document was intended to provide 'the future thrust of cultural action'[417], and indeed forms the basis for most further cultural policy developments during the 1990s. The Commission started by recognising the Treaty's 'two-fold cultural challenge', namely to contribute to the flowering of national and regional cultural identities and at the same time to reinforce the feeling that, despite this cultural diversity, Europeans share a common cultural heritage. It reasoned that in order to meet this challenge, Community action should have three main aims: firstly, to generate an environment that would contribute to the development of culture in Europe, secondly, to preserve Europe's past, and finally, to ensure that the influence of European culture would be felt throughout the world.[418]

The first of these aims, the practical application of the Community's general task to contribute to the flowering of national and regional cultural identities, can be regarded as a rephrasing of the earlier idea of creating a European cultural area, which had been envisaged as complementary to the European economic space that was to result from opening up the internal market. Already in 1987 the Commission had proposed a series of practical measures to achieve this goal, such as sponsorship for SME's and industry, training for

[417] CEC (1992): 1.
[418] Ibid.

cultural workers, the development of statistical tools, and interdepartmental coordination. Specific cultural actions had also been proposed, including increasing architectural heritage conservation and the promotion of cultural events with a Community-wide impact.[419] In the spirit of the new article and the dominant discourse on subsidiarity, the Commission now stated that the best way to achieve this aim was to encourage cooperation between the Member States and supplement their action in those areas specified in Article 151(2). Following up on Article 151(4), it also explicitly committed itself to taking cultural aspects into account in other Community policies and programmes 'as soon as any new action or policy is devised'.[420] These two approaches were to be the foundations for all pursuant Community action in the cultural field.

In order to support the development of the European cultural sector, cooperation was to be encouraged in three kinds of actions in particular. Firstly, support was necessary to establish transnational networks, which the Commission regarded as 'one of the most effective ways of breaking down barriers and assisting professionals and amateurs alike to cooperate more extensively on the ground in line with the principle of subsidiarity'.[421] A second contribution to the actions of the Member States in developing European culture was to be made by encouraging artistic and cultural creation. Such action was also presented as being in line with the subsidiarity principle, given that it would benefit the entire Community since 'it is through artistic talent that the fundamental values which give our cultures their vitality and continuity are generated and communicated'.[422] The Commission emphasised, however, that '[i]n the first instance it is for the Member States to provide their policies, each of which is a sui generis phenomenon, with the means to match their ambitions'.[423] Finally, action needed to be taken to improve public awareness and knowledge of the different cultures as well as the common cultural heritage 'from a very early age', as well as to advance their dissemination and 'the flow of information on subjects of Community interest to those responsible for culture in the Member States'.[424]

Similar kinds of actions were foreseen for the preservation of Europe's past, the Commission's practical interpretation of the second general task of the Community, bringing the common cultural heritage to the fore. This was to involve cooperation in supporting the conservation of the common cultural heritage 'in all its forms', as well as increasing awareness of its existence. For practical reasons, the Commission proposed to prioritise those areas where action had already been developed, namely cultural heritage, books and reading, and the audiovisual sector. However, it repeated its earlier stated opinion 'that the Community should also be gradually turning its attention to

[419] CEC (1987).
[420] CEC (1992): 7.
[421] Idem: 4. The importance of cultural networks had already been emphasised in Council resolution 91/C 314/01.
[422] Idem: 6.
[423] Idem: 7. At the same time, the Commission stressed that 'private funding is widely accepted as a valuable, albeit still limited, source of resources for cultural activity'.
[424] Idem: 6.

other cultural areas' where action had so far been lacking despite the fact that the Community had 'demonstrated its commitment', in particular the areas of music, the performing arts and visual arts.[425]

The third aim of Community action related directly to Article 151(3), namely the task of increasing cooperation with third countries and the international organisations involved in the cultural field. The Commission noted that cooperation with non-member European countries was already intensifying, in particular through the European Cultural Month event created in 1990[426], and stressed the importance of increasing the number of provisions on cultural cooperation in agreements with third countries. It also underlined the importance of close relations with international organisations and singled out the COE as an important forum for dialogue with other European countries and as an established actor in European cultural cooperation.[427]

Given 'the high degree of cultural sensitivity of all the Member States'[428], the Commission emphasised that consensus building was to be central to any further action. It announced its intention to involve all 'those active in the field of culture' at the national, regional and local levels in the development of future Community actions, and to increase their involvement in 'the cultural life of the Community'.[429] In the eyes of the Commission, increasing dialogue with national, regional and local authorities and highlighting pilot projects conducted at these levels should enable the citizens 'to gain a better understanding of other people's cultures as well as their own and to identify with their common cultural heritage'.[430]

In November 1992, the Council responded to the Commission's ideas through a resolution in which it set out some 'ground rules' for Community cultural action, which emphasised in particular 'the continuing predominant role of the Member States in this area and the subsidiarity of Community action'.[431] Overall, the Council appeared satisfied with the scope of the actions proposed by the Commission. It concluded that to achieve the dual objective of respecting diversity and simultaneously bringing the common cultural heritage to the fore it would be necessary to take a coherent approach, focusing 'on a Community-wide range of actions in order to promote cultural activities with a European dimension in all the Member States and encourage cooperation between them'. The Council did stress, however, that Community actions 'should not supplant or compete with activities organized at national or regional level, but provide added value and promote interchange between them'.[432] The resolution concluded with the request that the Commission

> make proposals for planned and structured programmes, allowing for the development of cultural action which promotes the goals of the European

[425] CEC (1992): 9
[426] *OJ* 1990 C 162.
[427] CEC (1992): 16.
[428] Idem: 3.
[429] Idem: 4.
[430] Idem: 5.
[431] Council conclusions 92/C 336/01, point 1.
[432] Idem, point 5.

> Community, supplements Member State action and encourages in particular greater understanding of and respect for each other's culture and values.[433]

Much like the Council, the EP appeared to accept the Commission's interpretation regarding what should be the three main aims of Community cultural action, endorsing 'the general thrust'[434] of the communication and most of the proposals made therein. However, in certain areas the EP was considerably more critical than the Council. Concerns were expressed in particular at the apparent unwillingness of both the Council and the Commission to provide sufficient funding for action in the cultural field.[435] It called on the Community, 'in its own essential interest, to take on a more significant role in the cultural sphere'[436] and to 'support the broadest range of cultural activities, including new ones, in a more even-handed manner than it does at present'.[437] It emphasised that music, the visual arts and the performing arts would need to form an integral part of any further action, in particular in relation to the task of bringing the common cultural heritage to the fore, calling it 'absurd' that the Community had still not become properly involved in these areas 'notwithstanding laudable assertions to the contrary'.[438] Regarding the preservation of the architectural heritage, the EP called for a more comprehensive policy that would go beyond 'the exclusive preoccupation with the prizes awarded for what are considered to be model or prestige projects'.[439]

The different ways in which Council and EP responded to the communication reveal their different interpretations of the possible future for Community action in the cultural field under the EC Treaty.[440] Given their different agendas in the preceding years, this is hardly surprising. The EP regarded the inclusion of culture in the Treaty as an opportunity to significantly develop the range of actions taken in the cultural field, extending this to the entire sector and greatly raising the level of financial support offered. The Council on the other hand, after accepting the transversal of a small part of its powers to the Community, appeared content with the slow development of a limited number of actions within the restraints of subsidiarity. The Commission meanwhile, operating within these restraints and having recognised consensus building as the preferred approach to achieving the Community's aims in light of the 'cultural sensitivity' of the Member States[441], proceeded by taking small steps towards the development of a framework for action in the cultural field.

Kaleidoscope, Ariane and Raphael

With the Commission's approach generally endorsed by both Council and EP, work began on the development of more permanent actions in the areas in which the Community had already been involved. By the mid-1990s, this

[433] Idem, point 13.
[434] EP (1993): point 3.
[435] Idem: point P.
[436] Idem: point 1.
[437] Idem: point 29(t).
[438] Idem: point 29(s).
[439] Idem: point 30(d).
[440] See also McMahon (1995: 171) and (1999: 197).
[441] CEC (1992): 3.

resulted in three separate multi-annual support programmes for the fields of cultural heritage, books and reading, and artistic activities, all areas that had been identified as priorities for Community intervention on the basis of 'past experience, projects implemented and the new potential offered by the Treaty'.[442]

The 'Kaleidoscope' programme, officially launched in 1996, aimed to 'encourage artistic and cultural creation and to promote knowledge and dissemination of the culture and cultural life of the European peoples'.[443] With the exception of literature and heritage, the programme covered all areas of artistic and cultural expression, including the performing arts, visual arts, multimedia and applied arts, and contained four special objectives. Firstly, it aimed to encourage activities of artistic creation with a European dimension; secondly, it provided support for innovative cultural projects by European partners; thirdly, it contributed to the improvement of the professional skills of artists and other cultural operators; and finally, it contributed to enhancing the mutual knowledge of European cultures.

The Community support programme for the field of books and reading, 'Ariane', was designed to contribute to a twofold aim: firstly, to increase the knowledge and dissemination of literary works and the history of the European peoples, and secondly, to increase access by the European citizen thereto.[444] As the linguistic fragmentation of the Community and the relatively high costs of translation were the considered to be the main obstacles to public access to works originating in other countries and regions, Ariane's main operational component was the provision of financial aid for the translation of twentieth-century literary works, contemporary dramatic works and reference works. Through translation, Ariane was to contribute directly to the wider dissemination of these works, and hence to their accessibility to the general public. As stated in the preamble to the programme's decision,

> promoting translation contributes to knowledge and dissemination of the culture and history of the European peoples, to maintaining the diversity of literary creation and the literary heritage expressed in the various national and regional languages, and to intercultural exchanges and to promoting the access of citizens – and in particular the less favoured-ones – to culture'[445]

In its proposal for the programme, the Commission described translation as 'an essential condition for direct access by the mass of Europe's citizens to

[442] CEC (1994): 5. Kaleidoscope was the first programme to be launched (in 1996), as decision-making on the other two programmes was significantly delayed in the Council, due to disagreement over the budget. Decisions on Ariane and Raphael were finally adopted in 1997.
[443] Decision No 719/96/EC: Article 1.Kaleidoscope ran for a period of four years, with a total budget of EUR 36.7 million. In this period, it funded some 518 projects, as well as providing funding for actions such as the ECOC, the European Cultural Month, the ECYO and the ECBO.
[444] Decision No 2085/97/EC: Article 1. With a total budget of EUR 11.3 million for three years, Ariane funded 767 projects, including translations of literature, plays and reference works, as well as cooperation and professional training projects. In the three years that the programme ran, Ariane supported the translation of some 630 books.
[445] Idem: preamble, recital 6.

the richness and diversity of our national and regional cultures'.[446] In addition, the EP insisted that aid for translation should be

> the highest of all priorities, assuming that there is a genuine desire to foster greater mutual understanding, defend less widely used languages, and hand down the expressive qualities which are in danger every day of being supplanted by the sameness and uniformity of more invasive and facile language.[447]

In the long run, Ariane was to contribute to engendering greater familiarity and a better understanding among Europe's citizens and highlighting their common heritage'.[448] In light of the Community's task to respect cultural diversity, the programme focused in particular on the translation of works published in the lesser-used languages of Europe, as well as translation into these languages.

Finally, the 'Raphael' programme provided structured action in the field of cultural heritage.[449] While much of the existing *ad hoc* support actions and pilot programmes, some of which had been running since the early 1980s, had been dominated by a concern for architectural heritage, Raphael was to cover a wider area of cultural heritage, which included movable and immovable heritage, archaeological and underwater heritage, architectural heritage, heritage sites and cultural landscapes.[450] The programme's general aim was 'to support and supplement, through cooperation, the action taken by the Member States in the field of cultural heritage of European importance'.[451] Translated into practical objectives, Raphael aimed to encourage European cooperation on the protection and preservation of European cultural heritage, to increase citizens' awareness of this heritage, and to ensure public accessibility. The Commission justified action in this field by pointing out that 'heritage both expresses different identities and testifies to exchanges between cultures'. As such, it argued, the European cultural heritage was perfectly suited to illustrate 'the regional, national and European roots of Europe's citizens' and to 'help to forge a European citizenship, based on a better understanding of both national culture and the culture of the other Union states.'[452]

All three programmes contained similar kinds of incentive measures, intended to achieve their different objectives. Most prominent was the provision of support for multilateral collaborative actions, especially through the building of cultural networks, as proposed in the Commission's 1992 communication. Kaleidoscope's two main strands offered support for events and artistic cooperation projects involving partners from at least three Member States and

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[446] CEC (1994): 34.
[447] EP (1993): point 30(j).
[448] CEC (1994): 34.
[449] In three years (1997-1999), Raphael's budget of ECU 30 million supported a total of 224 projects, involving over 1,000 cultural operators, as well as 18 'European Heritage Laboratories'.
[450] Decision No 2228/97/EC: Article 2.
[451] Idem: Article 1.
[452] CEC (1995): 1.

'significant large-scale quality projects' involving cooperation between cultural operators from more than three Member States, while the largest action of the Raphael programmes stimulated multilateral cooperation on specific themes determined by the Commission, aiming to

> contribute to the conservation, safeguarding and development of the European cultural heritage, particularly if under threat, by encouraging the development and pooling of the best practices with a view to creating an environment conducive to the preservation and restoration of the cultural heritage.[453]

Cooperation was also the underlying approach in other kinds of measures, such as support for the mobility of artists, the setting up of meetings for exchanges of experience, actions providing further training of professionals in the specific fields, and innovative studies on specific topics of relevance to the sector. In the Ariane programme, the further training of literary translators in order to encourage high-quality translations was considered to be of particular importance, while the promotion of collaborative research projects was an essential feature in the Raphael programme, especially in the form of one of the programme's main actions, the so-called 'European heritage laboratories'. Directed at the conservation and safeguarding of 'works, monuments or sites of exceptional historic, architectural or artistic importance', this action involved the pooling of knowledge in multidisciplinary teams of European specialists 'with a view to studying extremely difficult conservation problems and developing appropriate approaches, methods and/or techniques, ensuring added-value in each project'.[454]

The facilitation of public access to and awareness of European culture was to be achieved first and foremost through cooperation projects as well, with the exception of the translation grants provided by the Ariane programme, which did explicitly serve this purpose but were made available to individual translators.[455] However, Ariane did provide additional support for cooperation aiming to promote and facilitate public access to books and reading, such as the development of databases. Enhancing the use of multilingual presentation methods, multimedia and other forms of advanced information and communication technology as instruments to make culture more widely available to the general public and to attract new audiences, an approach that had been stressed as a priority by the Council, was designated a priority in all programmes. Further awareness raising actions were to be found in the form of Community support for several 'emblematic cultural initiatives' present in all three programmes. For instance, the existing ECOC and European Cultural Month events were incorporated in the Kaleidoscope programme[456], while

[453] Decision No 2228/97/EC: Annex.
[454] Ibid.
[455] However, applications had to be made by publishers rather than the translators themselves.
[456] The EP had unsuccessfully attempted to remove these elements from the programme, mainly on the grounds that they remained intergovernmental actions, which meant that it had no say in the selection of the cities. However, it did manage to secure the guarantee that the Commission would propose a separate Community action in this field, which was ultimately adopted in 1999.

Ariane covered the Aristéion Prizes for literature and translation. According to the Commission, the latter prizes in particular formed an essential part of the incentive measures taken to improve the knowledge and dissemination of works of European contemporary literature, while at the same time offering an incentive to writers and translators.[457]

Finally, Kaleidoscope, Ariane and Raphael all contained action strands stimulating projects in which organisations from Member States and third countries could participate jointly, in order to stimulate meetings between artists and exchanges of knowledge and experience, as well as to contribute to the wider dissemination of European cultures outside of the Union, and vice versa. All three programmes were open to participants from central and eastern European countries, Cyprus and Malta, and a limited number of other non-member countries with which the Community had concluded association or cooperation agreements containing cultural clauses.[458] Direct cooperation was also sought with the relevant international organisations in the cultural field, for example, through Community participation in the European Heritage Days, an action which had originally been launched by the COE.

The general emphasis on multilateral cooperation in these measures was a direct result of the dominance of the subsidiarity principle, requiring Community action to complement actions undertaken by the Member States. At a more practical level this translated into the requirement that eligible projects needed to have a 'European dimension' and a 'genuine value added with respect to action taken in the Member States'. In general terms, the Community added value of the programmes lay in the fact that the proposed actions could be better carried out at Community level than at the national or regional levels. For instance, the Ariane programme contained Community added value because it strengthened 'the weak links between the distribution chain for literature in less well-known languages', an action that could not be carried out by individual Member States or through bilateral agreements.[459] Similarly, the Commission argued that proposed actions in the field of cultural heritage offered Community added value because

> [t]he problems of preserving and managing the cultural heritage transcend national boundaries: the Member States face similar problems, some of which are so complicated and on such a large scale […] that individual countries cannot tackle them alone.[460]

However, the precise meaning of this 'Community' or 'European added value' was never explained. It appears that it was to be found mainly in the condition that cooperation projects were to be of a multilateral nature, so as to complement the existing practice of cultural actions being developed on a

[457] CEC (1994): 43.
[458] As part of its pre-accession strategy, in 1998 the Community officially opened all cultural programmes to applicant countries.
[459] CEC (1994): 53.
[460] CEC (1995): 2.

bilateral basis. In practice, this meant that for most actions participation by organisations from a minimum of three Member States was required.[461]

Culture 2000

In 2000 the three existing sectoral programmes were replaced by the 'Culture 2000' programme, the first comprehensive framework programme to cover all sectors of the cultural field, with the exception of the audiovisual sector.[462] The actions carried out under the first generation of programmes were regarded as useful first steps, but it was widely felt that the sectoral compartmentalisation of the programmes had negatively affected their overall impact.[463] Criticism was directed at the inefficient spending of the available budget, the low visibility of the programmes' results, the lack of synergies between the different cultural fields, the complicated and bureaucratic application procedures, and the fact that none of the programmes had succeeded in creating lasting networks, thus making for a limited long-term impact. Furthermore, the fragmentation of Community cultural action was regarded as 'detrimental to the Community's image among the European public, who are unaware that such efforts are being made to preserve and promote their cultures or that the cultural dimension is taken into account in furthering European integration.'[464] Taking this criticism into account, the three sector-specific programmes were combined into a single instrument based on a 'comprehensive and transparent vision'.[465]

The overall objective of Culture 2000 was similar to that of its predecessors. The programme's stated aim was to 'contribute to the promotion of a cultural area common to the European peoples', by supporting 'cooperation between creative artists, cultural operators, private and public promoters, the activities of the cultural networks, and other partners as well as the cultural institutions of the Member States and of the other participant States.'[466] This general objective echoed the main aim of Community action as set out in the Commission's 1992 communication.[467] The other two aims mentioned in that

[461] However, this condition remained open for interpretation, as was revealed during the decision-making on the Culture 2000 programme, during which the Council insisted that large scale European cooperation actions required a minimum participation of five countries, instead of the three suggested by the Commission. In the end, a compromise was reached, setting the condition at 'more than three' for this specific action.

[462] Culture 2000 ran from 2000 until 2007. In this period, it funded a total of 1,529 projects (Action 1: 1,309; Action 2: 151; Action 3: 69). It had a total budget of EUR 167 million for the first 5 years, increased to EUR 236.5 million after the programme was eventually extended with two more years.

[463] This was the outcome of a consultation of the European cultural sector as well as the first evaluation of the programmes; see COM(1998) 266 final. For a more in-depth evaluation of the first generation programmes, see the conclusion of the ex-post evaluation of the programmes (GMV Conseil 2003).

[464] CEC (1998b): 5.

[465] Ibid.

[466] Decision No 508/2000/EC: Article1. Culture 2000 was open to organisations from EU Member States, but also from the EEA, Cyprus and, under conditions laid down in the association agreements, to the associated countries of Central and Eastern Europe. Under certain circumstances, cooperation was also permitted with third countries holding association or cooperation agreements containing cultural clauses. See: Decision No 508/2000/EC: Article 7.

[467] CEC (1992): 1.

document - the preservation of Europe's cultural heritage and the promotion of the influence of European culture throughout the world - returned in somewhat adapted form among the programme's specific objectives, in particular the objectives d) conservation and safeguarding of common cultural heritage of European significance, and f) fostering dialogue and exchange with non-European cultures (*see table 6.1*). The other six specific objectives incorporated the specific objectives set for the programmes in the first generation, but also included a number of new objectives, in particular highlighting the socio-economic role of culture (objectives e and g).

Table 6.1: Specific objectives of the Culture 2000 programme

a) Promoting cultural dialogue and mutual knowledge of the culture and history of the European peoples
b) Promoting creativity, the transnational dissemination of culture, and the movement of artists, creators and other cultural operators and professionals and their works, with a strong emphasis on young and socially disadvantaged people and on cultural diversity
c) Highlighting cultural diversity and the development of new forms of cultural expression
d) Sharing and highlighting, at the European level, the common cultural heritage of European significance, as well as disseminating know-how and promoting good practices concerning its conservation and safeguarding
e) Taking into account the role of culture in socio-economic development
f) Fostering intercultural dialogue and mutual exchange between European and non-European cultures
g) Explicitly recognising culture as an economic factor and as a factor in social integration and citizenship
h) Improving access to and participation in culture within the EU, for as many citizens as possible

To overcome sectoral fragmentation, actions were divided into three different action strands. Firstly, financial support was made available for *specific innovative and/or experimental actions*, annual projects or events carried out in partnerships or networks involving operators from at least three participating countries. The actions proposed under this action largely continued measures developed under the first generation of programmes and had similar aims, such as encouraging the emergence and spread of new forms of expression, facilitating access to and wider participation in culture (in particular through the use of new technologies) and promoting intercultural dialogue and mutual exchange between European and other cultures. Retaining some of the earlier focus on specific cultural fields, particular attention was given to actions to improve access to books and reading and the preservation of the common cultural heritage of European significance.

The second action strand aimed to promote *structured, multi-annual cooperation* between operators from at least five participating countries.[468]

[468] The Commission had proposed to focus primarily on this kind of multi-annual cooperation actions, but Council and EP had insisted on continuing the numerous smaller annual projects.

Support was available for networks of operators, cultural bodies and cultural institutions, with the aim of encouraging closer relations and joint working. Actions related in particular to ensuring the accessibility of co-productions, the circulation of works and other cultural events (such as exhibitions and festivals); mobility and further training of and exchanges between cultural operators; research on cultural topics of European importance; public awareness campaigns; the development of new technologies to improve dissemination, accessibility, and preservation; the enhancement of cultural sites and monuments, in particular in order to raise awareness of European culture; and the highlighting of cultural diversity, multilingualism and the common cultural heritage of the European peoples.

Finally, the third action dealt with *special cultural events with a European and/or international dimension*. These included the ECOC event[469], prizes highlighting European artistic talent, support for European heritage laboratories, events to 'study questions of common cultural interest in order to foster cultural dialogue', and the organisation of 'innovative cultural events with a strong appeal', accessible to the general public and aiming to 'provide a link between education, the arts and culture'.[470]

To further strengthen the development of networks of cultural actors an additional budget line, separate from the Culture 2000 programme, provided funding towards the operating costs of 'organisations of European interest having as an objective the promotion of European civil society'.[471] This action was directed at two groups of organisations in particular. Firstly, it covered a small number of earmarked cultural organisations, in particular music organisations which sought to bring together members from several European countries, such as the EUYO and the EUBO. In addition to contributing to the education of young artists (in this case, musicians), these organisations functioned as 'EU ambassadors', promoting the EU through their activities and events outside Europe.[472] Secondly, funding was provided for a number of pan-European cultural networks, such as the European Forum for the Arts and Heritage (EFAH), Europa Nostra, the European League of Institutes of the Arts (ELIA) and the European Network of Cultural Administration Training Centres (ENCATC). These had the double task of promoting transnational

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Effectively, this meant a continuation of the sectoral priorities of the first generation programmes. See Zapatero (2001): 28.

[469] In 1999 the ECOC was established as a Community action in its own right, but it became an integrated part of the Culture 2000 programme as well (Decision No 1419/99/EC). As one of the major changes made to the programme, the EP was given a voice in the selection procedure, although the Council remained responsible for the final designation. Until 1999, decisions were taken by the Council on an intergovernmental basis, which had been the reason that the EP had earlier opposed the inclusion of the event in the Kaleidoscope programme. Another important change involved the opening up of the programme to cities from non-Member European countries.

[470] The EP referred to the latter as events with a 'major symbolic dimension', echoing the Commission's initial proposal which spoke of events with a 'major symbolic value'. Other symbolic events proposed by the Commission but not adopted in the final decision included the creation of an 'EU cultural festival of the performing arts' and the introduction of 'European Days' as focal points in certain major international cultural events.

[471] Kolyva, Van den Berg & Holt (2003): 5.

[472] Idem: 6.

activities and projects by providing information to their members and organising network events, and representing their members at Community level by acting as interest groups. While the general objective of the programme was to strengthen and increase the effectiveness of Community cooperation policy and action in the cultural field, it also aimed to contribute to the promotion of European integration, in particular by supporting the creation of networks between organisations from the Member States and pre-accession countries. Moreover, it incorporated actions previously funded through the budget line A-3021 for organisations advancing the idea of Europe.

6.2 Analysis of objectives

The objectives of the first two generations of cultural programmes can be analysed in light of two related benchmarks, namely Article 151 EC as the legal basis for the development of actions after 1992, and the stated interpretation of this article by the European institutions. As discussed in the above, shortly after the adoption of the Treaty the latter was expressed in official statements which set out the general guidelines and priorities which formed the practical foundation for the actions taken throughout this period. The Commission's 1992 communication contains the most explicit indication regarding the interpretation of the objectives of Community cultural action, which is seemingly unchallenged by the Council or the EP. The two main objectives of the Community are formulated as, firstly, contributing to the flowering of the cultures of the Member States, and secondly, reinforcing the feeling that Europeans share a common cultural heritage.

The first of these can be recognised as the main rationale behind many of the actions developed, and relates directly to the Community's task of supplementing the actions of the Member States through the development of a European cultural area in which the various cultures can flourish. This task is carried out in particular through support for multilateral cooperation across a large number of different incentive measures. Actions to achieve this goal include building networks to enhance the sector as a whole by stimulating the dissemination of cultural works throughout the EU as well as cultural exchanges and measures to increase artists' mobility, but also actions to support new artistic creation, the further training of professionals working in the cultural sector, the nurturing of young talent and the bringing together of research specialists on specific topics to the benefit of particular areas, such as heritage preservation. The concept of cultural diversity takes up centre stage in these actions, apparently as an insurance for the Member States that these actions are not intended to lead to the creation of a uniform European culture.

All of these actions primarily target those active in the cultural sector. Even the actions aiming to promote access and participation of the general public can be seen to be primarily beneficial to the cultural sector, as it leads to the creation of new audiences for culture. By contrast, the general public appears to be the primary focus of actions directed at highlighting the common cultural

heritage. This involves improving access to and participation for as many citizens as possible in culture, and promoting a mutual awareness of the culture and history of the European peoples, a task to which the various dissemination measures contribute as well. Raising awareness of the common cultural heritage also forms an important rationale for the organisation of certain symbolic events such as the awarding of European prizes, the operations of 'cultural ambassadors' such as the EUYO, and the ECOC. The stated purpose of the latter, for instance, is 'to highlight the richness and diversity of European cultures and the features they share, as well as to promote greater mutual acquaintance between European citizens'.[473]

In improving public access and enhancing participation of the European public from the very beginning special attention was directed at young people and those who were 'economically or otherwise deprived'. These had been listed as one of the priorities in the Council's 1992 guidelines for action and, after Parliamentary amendments, were emphasised in specific actions of both the first and second generation programmes. For instance, Kaleidoscope paid specific attention to 'networks which promote access to culture for people from a diversity of social and regional backgrounds' and the provision of training to improve the professional artistic skills of young people, while it was one of the specific objectives of the Raphael programme to encourage access for and active participation in the preservation of cultural heritage by 'children, young people, the underprivileged and those living in the outlying and rural areas of the Community'. In its resolution of 25 July 1996 the Council stated that access was 'an essential condition for full participation in society', but warned that 'geographical, physical, educational, social or economic obstacles may make it more difficult for many citizens to gain access to culture and may increase the incidence of exclusion, particularly among the less-favoured groups of the population'.[474] Similarly, the Commission underlined the importance of cultural activities in helping reintegrate marginalised people, young ones in particular, into society. In the Culture 2000 programme, these views returned in the recognition that culture plays a factor in social integration (specific objective g) while an explicit reference to 'young and socially disadvantaged people' was added to special objective (b), concerning the promotion of creativity and the transnational dissemination of culture and the movement of artists and their works, as elements to be highlighted.[475]

While most of the actions contributing to the development of the European cultural area can be regarded as, in the Commission's words, 'purely cultural goals'[476], that is, actions taken with the development of the cultural sector as its primary purpose, the ultimate goal of the more audience-related actions appear to be more closely related to the overall Community objective of fostering the European integration process, a goal supported by all institutions.[477] For instance, in its resolution of 20 January 1997 on the

[473] Decision No 1419/99/EC: Article 1.
[474] Council resolution 96/C 242/01.
[475] Article 1(b). My italics.
[476] CEC (2001a): 7-8.
[477] See e.g. Decision No 1419/1999/EC: recital 6.

integration of cultural aspects into Community actions, the Council stated that actions with a cultural dimension could contribute to the general objectives of the Union by bringing Europe closer to its citizens, continuing the process of creating an ever closer union among the peoples of Europe and enhancing the sense of citizenship of the Union.[478] This emphasis was not yet as strong in the programmes of the first generation, but became more prominent in Culture 2000, with the explicit recognition of culture as a factor in citizenship being adopted as a special objective.

This political function of culture also played an important role in cooperation with third countries, in particular where this involved non-Member State European countries. In its 1992 communication the Commission had stated in general terms that 'the Community should capitalize more on its cultural relations in its political dialogue with the countries and continents with which it has historical ties with a view of promoting mutual understanding'[479], a view shared by the EP and the Council, which both underlined that priority should be given to cultural cooperation non-Member European countries 'with the aim of strengthening ties and fostering greater mutual understanding'.[480] The Council specifically emphasised the need to enhance cooperation with the central and eastern European countries 'in this time of instability and difficult economic transition' after the collapse of Communism, noting that the ECOC programme could have 'a particular role to play'.[481] The EP, referring explicitly to the situation on the Balkans in the early 1990s, expressed the view that Community activities 'to promote common cultural traditions, values and history may be a considerable counterweight in certain areas of Europe where there is a strong tendency toward nationalistic entrenchment and ethnic conflict.[482] In its reaction to the proposal to open up the first generation programmes to applicant countries in the rest of Europe, the EP repeated its view that culture had a fundamental role to play in bringing peoples closer together, and that cultural activity could help the applicant countries function democratically.

This approach became more explicit in the Commission's proposal for the Culture 2000 programme, which was presented, at least in part, as a response to the challenges that accompanied the 'acceleration of European integration'. In line with its 'Agenda 2000' plan, which said that 'participation of acceding countries in Community cultural, educational and training activities will help to build closer links with these countries, and will provide an enriched experience for all involved'[483], the Commission argued that 'cultural action must help express a European citizenship based on a knowledge and mutual comprehension of European cultures and an awareness of the features common to such cultures'.[484] To achieve this, it was envisaged that a

[478] Council resolution 97C 36/04.
[479] CEC (1992): 1.
[480] EP (1993): point 31(a).
[481] Council conclusions 92/C 336/01, point 9.
[482] EP (1993): point 32.
[483] Cited in CEC (1998b): 5. The 'Agenda 2000' was concerned with the development and reorganisation of internal policies.
[484] CEC (1998b): 3.

'significant part of the programme' would support activities involving the adhesion countries.[485]

Finally, the EP proposed to include a specific reference to the role of culture as an affirmation of the European identity towards third countries in the special objectives of Culture 2000. However, this amendment appeared to have been too explicit for the Commission. Although the Commission had previously stated that cultural cooperation with third countries could be used to 'enhance' the Community's 'general image'[486], in the Culture 2000 programme it preferred to use the more oblique notion of 'intercultural dialogue'.

Nevertheless, promoting intercultural dialogue and mutual exchange between European and non-European cultures, for instance in the form of exchanges of knowledge and experience or new artistic productions resulting from cultural cooperation projects involving organisations from non-Member states, could also contribute to the development of the cultural sector, as well as to the preservation of cultural heritage. Likewise, promoting actions in conjunction with international organisations like UNESCO or the COE could contribute to the further development of the cultural sector or serve to bring the common cultural heritage to the attention of the general public, as was for instance the purpose of cooperation in the European Heritage Days action.

While the above objectives can be found in both generations of programmes, in the specific objectives of Culture 2000 increasing attention was paid to the socio-economic dimensions of Community cultural action. This new focus, highlighted by Commission, Council and EP alike, had begun to grow as the Community began to examine the possible synergies between culture and other policy areas, as called for in Article 151(4). While the social role of culture had so far been a Community objective primarily in relation to ensuring access to and participation in culture by young people and those who were economically or otherwise deprived, attention now shifted towards the role of culture in promoting regional development, social cohesion and employment, policy areas which were increasingly becoming priorities for the Community in general.[487] In its 1993 White Paper on Growth, Competitiveness and Employment, the Commission had identified culture as a sector of future employment[488], while around the same time the Council started to focus its attention on the job-creating potential of culture.[489] During the planning stages of the Raphael programme, the Council called on the Commission to take cultural heritage into account in regional development and job creation[490], and although this did not result in any specific economic programme objectives, the preamble to the decision establishing the programme did stress that

[485] Idem: 33.
[486] CEC (1992): 14.
[487] The importance of employment in other Community policies and activities had received additional emphasis in the Amsterdam Treaty. See also Council resolution 2000/C 8/07.
[488] CEC (1993).
[489] See for instance Council resolution 95/C 327/01, on the promotion of statistics on culture and economic growth.
[490] Council conclusions of 17 June 1994 on drawing up a Community action plan in the field of cultural heritage (94/C 235/01).

> because of its socioeconomic dimension, the preservation of the cultural heritage is an element in a design for society and can contribute significantly to job creation, the promotion of cultural tourism, to regional development and to improving the quality of life and the day-to-day environment of ordinary people […][491]

In 1996 the Commission set out its views on the role of culture in the socio-economic development of the regions in a communication on cohesion policy and culture. It presented culture as a major source of employment in relation to cultural heritage activities, the creation of cultural products and the cultural industries; as an important location factor for further investment and for the regeneration of deprived areas and, contributing to the image and attractiveness of a region; and as way to promote greater social integration.[492] This instrumental approach towards culture was continued in a Commission staff working paper analysing the employment impact of the cultural sector[493], while the 'growing positive correlation between culture and employment' was also stressed a study carried out for the EP by Bekemans and Gascón, published in the same year.[494]

Although this renewed focus on the socio-economic impacts of culture primarily concerned the contribution of culture to other policy agendas[495] and as such falls beyond the scope of this research, these objectives were also present in the Culture 2000 programme, being reflected in two specific objectives (e and g). Initially, the Commission had merely proposed to state that the role of culture in socio-economic development was to be taken into account[496], but the EP ensured that an additional specific objective regarding the 'explicit recognition of culture as an economic factor and as a factor in social integration and citizenship' was inserted.[497] In the end, only a limited number of actions explicitly addressed socio-economic objectives (for instance, support could be given to initiatives using creativity as a means of social integration), but these elements did receive additional emphasis in the

[491] Decision No 2228/97/EC: preamble, recital 5. Similar observations can be found in Decision No 719/96/EC: preamble, recital 8.
[492] CEC (1996b).
[493] CEC (1998a).
[494] Bekemans & Gascón (1998): 35.
[495] For instance, the Commission's communication on cohesion policy had been concerned mainly with the use of the Structural Funds for the funding of cultural projects in order to support regional development.
[496] While this had not been a specific objective of the programmes of the first generation, the consideration of socio-economic aspects was not entirely new. For instance, one of the criteria set for large-scale European cooperation actions seeking to be funded under Action 2 of Kaleidoscope was that they needed to have a major cultural and socio-economic impact.
[497] A similar amendment was made to the decision's preamble. Whereas the Commission's proposal had merely contained the weaker observation that 'culture tends to expand beyond its traditional boundaries and into the social and economic spheres', the amended version stated more explicitly that '*culture is both an economic factor and a factor in social integration and citizenship'* (my italics) and that, for that reason, it has an important role to play in meeting the new challenges facing the Community, such as globalisation, the information society, social cohesion and the creation of employment. See: Decision No 508/2000/EC, preamble, recital 2. The second section of this recital had already been contained in the Commission's proposal.

programme's selection criteria, which not only stipulated that projects must have a European added value, be sustainable and have measurable effects, but also took into account their economic impact, for example, in terms of job creation, as well as their effects on social integration.

6.3 Concluding remarks

Once European competence over culture had officially been established with the entry into force of the Treaty of Maastricht, the period from 1992 to 2000 was characterised by the testing and refining of the goals of Community action through a number of action programmes, eventually resulting in a more structured approach with the launch of Culture 2000, which brought together the largely overlapping objectives of its predecessors. In terms of objectives, the programmes developed in this period all closely followed the approach laid out in the 1992 communication, with its stated aims of creating a European cultural area, preserving the cultural heritage, and developing cooperating with non-Member States and international organisations. These were not goals in themselves, but were to contribute to the two general objectives of European cultural policy, namely contributing to the flowering of national and regional cultures, and bringing the common cultural heritage to the fore. The various preambles and explanatory statements to the programmes contained numerous indications that the overarching purpose of the programmes was to contribute to the European integration process by bringing together the European people, but this was never turned into a clear programme objective, although strengthening the notion of citizenship did return as a specific objective of Culture 2000.

As required by the EC Treaty, the development of actions was dominated by the subsidiarity principle. As a consequence, measures did not go far beyond what had already been done prior to the Treaty coming into force, and were largely restricted to the promotion of transnational cooperation, as this most clearly goes beyond and adds to what can be done at the level of the Member States. The main requirement for almost all forms of funding was that actions should have European added value, although what this meant was not clearly defined. To create a lasting impact, emphasis was placed on support for the building of European networks of operators and cultural actors. Outside of the programmes, networks were also stimulated by additional actions.

If the building of networks and support for creation and preservation were directed primarily at the cultural sector, thus contributing directly to the creation of a European cultural area, the second part of measures taken had the wider goal of reaching the European citizens, albeit somewhat indirectly. This involved actions to improve public access to and participation in culture, but also actions to promote public awareness and knowledge of European cultures and the shared heritage. These components correspond directly to the explicit goals set in Article 151 EC, and can also be found throughout all of the programmes.

But the interpretation of the EU's cultural policy objectives was not limited to these objectives. EU cultural actions also continued to contribute to the economic and social objectives that had provided the legitimation for earlier cultural actions. These elements were given particular prominence in the Culture 2000 programme, which contained a much larger number of objectives than would be expected on the basis of a narrow interpretation of the first paragraphs of Article 151. However, the much wider scope of the article's fourth paragraph, which made an explicit connection between culture and all other policy areas, such as employment and cohesion policy, appeared to justify the use of culture for other policy purposes.[498] However, in contrast to cultural projects that received funding through the Structural Funds, it is questionable whether or not references to the social and economic impacts within the specific cultural programmes were ends in themselves or rather effects that were secondary to the overall objectives of the programmes.

Regarding the latter, it should be noted that at least some of the social objectives of the programmes did not necessarily serve a social policy agenda. For instance, prioritising access for and participation of specific social groups does not appear to have been a social goal in itself, as this could have been done by the Member States as well, and as such would have been at odds with the subsidiarity principle. Instead, the added value of action to secure access and participation of these groups, and in particular young people, appears to be founded on two arguments: it enlarges the audience for culture, which is good for the sector itself, but perhaps more importantly, it was intended to makes them more aware of European identity.[499] Ultimately, then, participation of specific social groups was prioritised in order to 'increase mutual knowledge and respect and to promote the idea of citizenship of the European Union'.[500]

In conclusion, all programmes can be said to contribute to a multitude of objectives. Some of these are clearly stated in the programmes' explicit objectives, others may be hidden within the finer specifications, being referred to either in preambles or annexes of the decisions establishing the programmes, or in the different calls for applications. All in all, the justifications for Community involvement in the cultural field remained very similar to those of the previous period. While the introduction of Article 151 made it possible to develop cultural policy on a legal basis of intrinsic cultural objectives, the older legitimation, based on a socio-economic rationale, was not abandoned.

[498] Other articles were referred to as well. For instance, in its communication on cohesion policy and culture, the Commission argued that cultural actions could also fall under the scope of Article 130a (TEU), which provides that the Community shall promote actions strengthening economic and social cohesion. See CEC (1996b): 2.
[499] This in itself was not new. Already in 1976 the EP had called for a focus on dissemination of culture among young people in particular, as these were more open to the cultures of other countries.
[500] Decision No 719/96/EC: preamble, recital 4.

CHAPTER 7
FURTHER CULTURAL ACTIONS: EVALUATION AND AGENDA-SETTING

After the largely ad-hoc actions carried out in the 1980s, EU cultural policy in the 1990s represented an initial testing phase for programmatic action in the cultural field with the first generation of programmes, followed by Culture 2000 as a first attempt to develop these separate programmes into a more efficient, all-encapsulating policy instrument. However, it was not until the early 2000s that a debate about the future of European cultural actions began to take shape. Although Culture 2000 was set to run until the end of 2004, the discussion on its follow-up already began shortly after the programme had been launched. This was partly in reaction to the fact that reaching agreement on the first two generations of programmes had proven extremely difficult and time-consuming[501], but also to what the Council had identified as a series of new challenges facing the Community, such as the impending enlargement with then new Member States by 2004, which had triggered the need for a debate not only on wider institutional reforms of the Union as a whole, but also more specifically regarding the future of EU cooperation in the cultural field.[502] As a result, policy development in early 2000s came to be characterised by a combination of reflection on the past decade of actions in the cultural field and a search for new directions for cultural cooperation in years to come. In contrast to the preceding periods, in both processes the European cultural sector was more deliberately invited to take part than before.

The policy process in this period can be divided roughly into three phases. The first phase began shortly after the introduction of Culture 2000 and revolved around the assessment of the programme's implementation. It involved significant input from both the EP and the Commission, but was also based on direct consultation of the cultural sector and an external evaluation of the programme's first two years of operation. The main aim of this assessment was to improve the programme's implementation, but it also raised attention to some more structural challenges which were to be addressed in the development a new programme. The second phase, which took place more or less in parallel to the first, was characterised by the rethinking of the priorities and objectives for future cultural action in light of the EU's changing context. This agenda-setting phase involved exchanges of opinion between all actors, and again included the European cultural sector as a whole. By mid-2004 this process of evaluation, reflection and agenda-setting culminated in a Commission proposal for a new programme to replace

[501] See CEC (2001b): 3; Zapatero (2001): 25.

[502] Council Resolution 2002/C 162/03. Whereas actions had initially been based on participation between 12 Member States, before the start of the new programme this number was set to increase to 25. Although the prospective Member States had already been participating in the earlier programmes, their official entry into the EU was to change their position, putting them on a par with the existing Members.

Culture 2000, followed by a lengthy intra-institutional decision-making process.

At the end of 2006 these processes finally resulted in the adoption of the new Culture Programme (2007-2013), which was subsequently launched in the beginning of 2007.[503] The focus of this chapter will now be on the first two stages, addressing the main criticisms voiced about Culture 2000 and discussing the main topics that were brought to the fore in the ensuing agenda-setting phase. A further analysis of the Culture Programme (2007-2013) and the decision-making that preceded its adoption will then follow in chapter 8.

7.1 Evaluating Culture 2000

The Culture 2000 programme was scrutinised more intensively than earlier programmes had been, due at least in part to the intensive involvement of the EP. Not only had it ensured that a detailed external interim evaluation report was to be published by the end of 2002[504], but it also took the initiative to reflect upon the programme's implementation in two of its own reports and resolutions.[505] In the first of these, the EP had requested that the Commission organise a forum on cultural cooperation in Europe, in order to not only strengthen the dialogue with cultural operators but also to 'redefine the values, objectives and forms of cultural cooperation in Europe'.[506] This forum, organised in Brussels on 21-22 November 2001, brought together around 250 representatives of various European cultural organisations, cultural operators and national institutions, as well as delegates from the Commission and the EP.

Although it was generally agreed that Culture 2000 provided much needed support for cultural operators, the programme's implementation attracted significant criticism from both the cultural sector and the EP, much of which related to problems that had also been encountered in the earlier programmes. The selection and administration procedures were considered to be excessively bureaucratic and lacking in transparency, the Commission was criticised for not engaging in a dialogue with applicants, and the programme itself was found to be lacking in visibility. Particular criticism was directed at the designation of yearly priority sectors, which the Commission had introduced in its call for proposals for 2002. Although a yearly focus on one cultural sector had been envisaged as a way to raise the programme's profile,

[503] In March 2004, the original five-year duration of Culture 2000 was extended until the end of 2006 so that the start of the new programme would coincide with the EU's budgetary cycle for 2007-2013 (Decision No 626/2004/EC). Additionally, this decision provided the much-needed time to decide on the follow-up programme, which proved difficult enough.
[504] The first generation of programmes had not been subject to a detailed internal evaluation, while a thorough external evaluation only took place after they had been replaced by Culture 2000. The final report on this evaluation (GMV Conseil 2003) was not published until 2003, shortly after the first interim report on Culture 2000.
[505] EP (2002b): 105.
[506] EP (2002a) point 13-14. In January 1998 a similar kind of forum had been held to discuss the first generation of programmes.

it was widely felt that this was counterproductive to the development of cultural cooperation because it risked reinstating the sectoral verticalisation of the earlier programmes.[507] Other reasons for the programme's problematic operation involved the 'practically unlimited scope as regards the nature of projects' and the fact that programme's budget was 'very modest […] compared to what is needed'.[508]

Regarding the selection process, criticism was directed in particular at the multitude of criteria that needed to be taken into account by the selection committee, which consisted of a group of experts nominated by the Member States.[509] The following selection criteria were considered to be of particular importance:

- the extent to which the project corresponded to the thematic definitions of the areas and categories of action applicable;
- the extent to which the proposed cooperation suited the methodological approach adopted;
- the extent to which the project was in line with the priorities set out in the call for applications;
- the European added value of the project;
- the professional competence of the organisations taking part in the project;
- the impact on the public at large and the profile of the projects;
- the project's social impact;
- the project's financial viability.[510]

Cultural stakeholders and the EP both underlined that the European added value and the cultural and artistic quality of the proposed projects should be the main criteria to take into account. However, they expressed the concern that the large number of specific criteria to consider and the time constraints of the selection process made it impossible for the experts to sufficiently consider these elements. The EP noted furthermore that the programme's priorities were often unclear to cultural operators, partly due to the changing criteria in the calls for proposals and shifts in focus on different themes and cultural sectors, and warned that there was 'a risk of a lack of consistency between the objectives of the programme and implementation of management criteria', which could threaten the programme's goals and priorities.[511]

In the main, the programme was felt to be 'overly ambitious' in terms of its objectives, especially in relation to the limited budget available. This in turn was considered to be one of the main reasons underlying the programme's

[507] Graça Moura (2002): 11.
[508] Ibid.
[509] An pre-selection of applications on purely formal grounds was carried out by the Commission, but most of the selection was carried out by the experts. However, the final decision on awarding applications was to be taken by the programme's Management Committee.
[510] See: Graça Moura (2002): 13.
[511] OJ C E/108: Point J. For instance, in comparison to 2000, the selection criteria for 2001, as included in the call for proposals, listed a far greater number of projects to be excluded from the programme, all of which had to do with practical issues concerning the application rather than with the content of the proposed action. For a comparison, see PLC Ramboll Management (2003): 17-18.

inefficient management.[512] As a solution, the representatives of the cultural sector at the cultural forum had called for a reduction in the number of objectives pursued and for actions to be defined more clearly. Suggestions were made for priority objectives, which included a focus on the promotion of cultural dialogue within Europe and beyond its borders, enhancing synergies among projects or networks, and promoting innovation, the mobility of artists and works, and networks exchanges. The EP, on the other hand, did not appear to share the sector's opinion that the programme's objectives were necessarily too ambitious in themselves, arguing instead that insufficient funding had been made available to achieve all. As a result, it did not support the call for a reduction in the number of objectives, but it emphasised the need for an increase in funding to match the programme's existing objectives. The EP reaffirmed the political relevance of *all* of the programme's eight explicit objectives, stressing in particular that

> the role of cultural cooperation is to form an integral part of economic and social development, to promote social cohesion and to foster mutual understanding and a sense of possessing a common European citizenship.[513]

Moreover, it emphasised that the programme was not merely directed at the cultural sector, but that 'the essential and priority objective of [the] programme [is] that it is a programme directed at citizens'.[514] In relation to the latter priority, the EP urged the Commission to better 'utilise the information and communication services to disseminate information regarding selected projects in order to increase public awareness and participation, and thus guarantee ultimate 'European added value'.[515] Finally, it also criticised the fact that the programme appeared to benefit major networks and large-scale operations over smaller ones, even though the latter were better positioned to allow the wider public to participate in culture.[516]

The external evaluation of Culture 2000, carried out between October 2002 and February 2003 by PLS Ramboll Management, largely repeated the criticism of the programme's daily management as voiced by EP and the cultural sector, but noted that the Commission had already made a number of improvements to the programme to address these issues. It concluded that Culture 2000 had overall been managed efficiently and that, given the funding constraints, its implementation had been effective. Furthermore, it found that the programme had a significant cultural added value in terms of measurable impacts, through the stimulation of new forms of cultural expression, attracting greater attendances than planned, and encouraging the movement of cultural operators. It also concluded that Culture 2000 had successfully created European added value 'in terms of creating new trans-national co-operation and new partnerships that appear to be sustainable'.[517]

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[512] CEC (2001b): 8.
[513] OJ C E/108: Point C.
[514] Graça Moura (2002): point 23.
[515] Idem: point 19.
[516] The EP had already raised this issue during the debate preceding the decision on the Culture 2000 programme. However, an amendment to ensure that more small and medium-sized activities could benefit from the programme had been rejected.
[517] PLS Ramboll Management (2003): 113.

Considering the programme's multitude of objectives, the external evaluation found that the highest percentages of projects had been directed at promoting cultural dialogue and mutual knowledge of the culture and history of the European people (90%) and improving access to and participation in culture (86%). However, it also found that most selected projects targeted more than one objective, and that all objectives were being targeted by at least half of the projects (*see table 7.1*).

Table 7.1 Targeting of Culture 2000 objectives (years 2000-2001)[518]

a) Promotion of cultural dialogue and of mutual knowledge of the culture and history of Europe	90%
b) Promotion of creativity, the transnational dissemination of culture, the movement of artists, creators and other cultural operators, professionals and their works, with a strong emphasis on young and socially disadvantaged people and on cultural diversity	77%
c) Highlighting cultural diversity and the development of new forms of cultural expression	77%
d) Sharing and highlighting at the European level of common cultural heritage of European significance; disseminating know-how and promoting good practices concerning its conservation and safeguarding	66%
e) Taking into account the role of culture in socio-economic development	56%
f) Fostering intercultural dialogue and mutual exchange between European and non-European cultures	50%
g) Explicit recognition of culture as an economic factor and as a factor in social integration and citizenship	63%
h) Improving access to and participation in culture within the EU, for as many citizens as possible	86%

Nevertheless, the evaluation shared the general conclusion that the level of funding was 'very limited compared to the ambitious and broad objectives' and recommended that the objectives should be reconsidered.[519] Although it acknowledged that having a wide range of objectives might enable cultural operators to take a more creative approach and that almost half of all project leaders had not felt the multiplicity of objectives as a constrain on their project's artistic creativity[520], the evaluator still considered that having too many objectives might lead to poor targeting and result in a lesser overall

[518] Source: PLS Ramboll Management (2003): 83, table 5-7. Percentages reflect the extent to which an objective was targeted, although not necessarily as the *main* objective.
[519] Idem: 111. Interestingly, a second interim evaluation, carried out in 2006, found that while not all objectives were given equal attention, projects generally made contributions to achieving all of them, leading to the conclusion that Culture 2000 was 'broadly achieving its objectives' (ECOTEC (2006: 4). A further ex-post evaluation (ECOTEC 2008) concluded that the budget had been appropriate for achieving the programme's aims and objectives. Neither report suggested a reduction of the programme's objectives. However, it should be noted that only the report by PLS Ramboll Management will have had any practical influence on the design of the new culture programme, as the other two evaluations were not completed until the final stages of the decision-making process or even after that.
[520] Idem: 84.

impact. By contrast, more narrow objectives were thought to be more attainable and more beneficial to the programme's final impact.[521]

In this respect, the external evaluation suggested two changes. Firstly, it recommended removing the programme's socio-economic objectives, leaving a clearer focus 'on the objectives that directly address cultural activities and expression in the framework of transnational co-operation'.[522] The main reason for this was that a significant socio-economic impact of the programme might be difficult to achieve. Not only were the socio-economic objectives among the least targeted, but given the limited funding available it was also considered that it would be difficult to measure the programme's socio-economic impact across all countries.[523] The evaluation thus proposed that these impacts should no longer be treated as priorities, although they could still be regarded as side-effects.[524] As a second recommendation, it suggested expanding the yearly calls for proposals with an indication of priority groups, such as disabled people, youth, the socially excluded or the general public. Such a change would make it possible to redirect the programme's objectives and achieve a greater and more measurable impact, while it would also allow for greater synergy with other Community interventions to be developed.[525]

Reacting to the external evaluation, the Commission concluded that Culture 2000 had 'successfully contributed to the realisation of the objectives established in article 151 of the Treaty', that it was therefore 'necessary to continue the Community support for cultural co-operation activities in Europe', and that 'adequate resources' should be made available for this purpose.[526] It announced a number of further improvements to the programme's management and procedures which were largely in line with the measures that had been suggested by the cultural sector, the EP and the external evaluation. Regarding the programme's objectives, the Commission agreed that these were too broad, especially when considering the available funds. However, repeating the conclusion of the final evaluation that defining the objectives was 'ultimately a political choice' that would require a joint decision from the EP and the Council, the Commission made it clear that changes in this area should not be expected in the existing programme, but would be addressed 'at the appropriate moment', that is, in the context of the preparation of the next cultural programme.[527] Nevertheless, it did suggest that this new programme might be restructured to focus on the mobility of workers in the cultural sector, the circulation of works of art, and intercultural dialogue as its three main objectives. Finally, it emphasised the need for 'a

[521] Idem: 108.
[522] Idem: 109. More specifically, the proposed changes apply to the objectives 'taking into account the role of culture in socio-economic development' and 'explicit recognition of culture as an economic factor and as a factor in social integration and citizenship'. In the case of the latter, only the economic reference was proposed to be omitted.
[523] This mainly regards the impossibility of identifying the target beneficiaries of improved access to culture. See: CEC (2003c): 17.
[524] PLS Ramboll Management (2003): 109.
[525] Idem: 110.
[526] CEC (2003c): 24.
[527] Ibid.

clear cultural strategy, on which the Programme should draw, and towards its implementation it should work'.[528]

7.2 Priorities and guidelines for future action

Largely in parallel to the evaluation of Culture 2000, in the second half of 2001 a wider discussion about the future of European cultural policy was started, which resulted in a number of reports and resolutions through which both the EP and the Council sought to set out guidelines and indicate priorities for further action. The clearest outline of the priorities set in this period is to be found in a resolution of 25 June 2002, in which the Council set out a work plan for a more coherent approach to Community cultural action. This resolution, which aimed to place 'culture at the heart of European integration', contained a list of priorities that were to be 'taken forward […] as rapidly as possible'.[529] Although this list was explicitly 'indicative and non-exhaustive', it does give a good indication of what the Council regarded to be the main issues in developing EU cultural policy. These included the following:

- defining and evaluating European added value;
- improving access to, an the visibility of, Community cultural action;
- developing the horizontal aspects of action in the cultural field, by enhancing synergies with other policy areas, the exchange of good practice in relation to the socio-economic dimension of culture, promoting the mobility of persons active in the cultural field and circulation of cultural works, and encouraging the development of the cultural and creative industries;
- promoting cultural and linguistic diversity and fostering dialogue among cultures;
- enhancing cooperation between Member States as well as the participation of new Member States;
- increasing cooperation with international organisations and third countries.

The first of these priorities, determining how the European added value of European cultural actions should be identified, was a particularly pressing matter given the context of the impending enlargement of the Union and the forthcoming review of the institutional context by the Intergovernmental Conference (IGC) on institutional reform, which made it even more relevant to clearly establish the value of European involvement in the cultural sector. It is thus not surprising that this was one of the first issues to be addressed by the Council. In its resolution of 19 December 2002, the Council argued that 'European added value' should be understood as 'the synergy effects which emerge from European cooperation and which constitute a distinctive European dimension in addition to Member State level actions and policies in the field of culture'.[530] In line with the principle of subsidiarity, European added value was 'to be found in actions that cannot be sufficiently undertaken at Member State level and therefore, by reason of scale or effects, are better

[528] Idem: 25.
[529] Council resolution 2002/C 162/03: point 11.
[530] Council resolution 2003/C 13/03; point 7.

undertaken by the Community'.[531]In agreement with earlier statements made by the EP, the Commission and, in the context of the Culture 2000 evaluation, the cultural sector, the Council underlined that European added value was fundamental to European cultural cooperation and should be considered as 'an overall condition for Community cultural action'.[532] However, it also acknowledged that it was 'a dynamic concept', requiring a flexible implementation. European added value was therefore to be identified and evaluated cumulatively.[533]

In the same resolution, the Council considered a number of measures to promote the mobility of artists and cultural works and the further removal of legal and administrative obstacles to mobility. Mobility had been a recurrent policy priority for all actors since the 1980s, and as such had already been highlighted on numerous occasions by both the Council and the EP.[534] The importance of the issue was further underlined by a study on the topic that was carried out for the Commission upon the Council's specific request.[535] The questions concerning access to and the visibility of Community cultural action, also far from a new priority, were addressed primarily in relation to specific cases. For instance, a specific resolution on the accessibility of cultural infrastructure and cultural activities for people with disabilities was adopted by the Council in the context of the European Year of Disabilities (2003)[536], while an EP resolution focused on the role of schools in maximising public access to culture. In the latter, the EP underlined its conviction 'that there is a need for European education systems to foster awareness of the cultures and ways of living of all European peoples and to raise awareness of common European values'.[537] It also asked the Commission 'to draw up a text on the history of European culture […] which […] might become a standard subject on the school syllabus in the Member States'.[538]

The third priority, developing the horizontal aspects of cultural action, related directly to the implementation of Article 151(4) EC, which, as a number of commentators have commented, was perhaps the most significant element of the article, given the potentially positive effect of bringing culture into the scope of other policy areas. Nevertheless, its actual implementation was generally regarded not to have been very successful so far.[539] As with the above priorities, the focus on the relations between culture and other Community areas and activities had already been brought to the fore on many occasions. For instance, the Council's resolution of 20 January 1997 on the

[531] Idem; point 5.
[532] Idem; point 2.
[533] Idem; point 9.
[534] For instance in the Council resolution 99/C 8/03 on the promotion of the free movement of persons working in the cultural sector and the EP resolution of 5 September 2001 on cultural cooperation in the EU (EP (2002a).
[535] Audéoud (2002).
[536] Council resolution 2003/C 134/05.
[537] 2002/2268(INI): point 10.
[538] Idem; point 16. As the Commission pointed out, in accordance with Article149, the latter fell under the sole responsibility of the Member States (see Itzel (2006): 40).
[539] See e.g. Bekemans & Balodimos (1992); Kaufmann & Raunig (2002), Mercouris (2002), EFAH (2003) and Fisher (2007).

integration of cultural aspects into Community actions had included several proposals to this end[540], while the EP, in a resolution on the cultural industries adopted in 2003, which stressed the sector's contribution to GDP and its importance role for in job creation and rural and urban development within the EU, called on the Commission and the Member States to undertake action in order to benefit from this. This latter resolution also called for a mapping study of the European cultural industries, the strengthening of support for cultural industries in projects carried out under the Structural Funds, and the identification of priority actions for the promotion of cultural industries.[541] Furthermore, in 2004 the Commission published a second report on the use of the Structural Funds in the field of culture between 1994 and 1999[542], following up on the first report on the subject which had been published in 1996.[543]

The promotion of cultural and linguistic diversity, the fourth priority, moved higher up the Community agenda in particular in the context of the negotiations on the UNESCO convention on the protection and promotion of the diversity of cultural expressions, in which the Commission participated alongside the Member States on behalf of the Community. This also followed through on the stated priority of increasing cooperation with international organisations. At the same time, cultural diversity also remained a central element in the cultural actions undertaken within the Community itself.

Enhancing cooperation between the Member States and stimulating the participation of the new Member States, the fifth priority on the Council's list, can be regarded as the most central purpose of all actions. The EP's resolution on cultural cooperation in particular contained a number of practical proposals to improve cultural cooperation in more general terms. It observed that cooperation had so far been obstructed by an overly restrictive interpretation of the subsidiarity principle, which had prevented the exchange of information and the development of cooperation between the different levels of government, resulting in overlapping actions and wasted resources. The EP argued that the effectiveness of complementary Community actions could be greatly enhanced by a more structured monitoring of the actions taken by the Member States, and proposed setting up a European Cultural Observatory for this purpose.[544] Furthermore, pointing out that the Council's inability to reach unanimous agreement over budgetary matters had significantly slowed down the decision-making process on the past programmes, the EP also argued that qualified majority voting should be extended to cultural matters in any future revision of the Treaty.[545]

While these proposals did not meet general approval within the Council, the one measure that all institutions regarded as making a positive contribution to

[540] Council resolution 97C 36/04.
[541] A5-0267/2003 (2002/2127(INI)).
[542] CEC (2004c).
[543] CEC (1996a):
[544] EP (2002a): point 10.
[545] Idem: point 7. Although the range of issues decided on by QMV had been extended under the revised Treaty of Amsterdam, cultural matters remained subject to unanimity.

promoting cooperation was the development of networks of cultural actors. In parallel to Culture 2000 this had already been the focal point of the budget line A-3042, through which funding was made available towards the operating costs of 'organisations of European interest having as an objective the promotion of European civil society'.[546] In order to strengthen and increase the effectiveness of Community cooperation policy and action in the cultural field, in 2004 this support was replaced by the establishment of a separate 'Community action programme to promote bodies active at European level in the field of culture', which was to provide operating grants for 'bodies pursuing an aim of general European interest in the field of culture or an objective forming part of the EU's policy in this area'.[547] This programme was intended to be open for applications, but it was decided that in the first two years funding would be awarded to forty earmarked bodies, most of which had already been funded under the previous action, including organisations such as the EUYO and the European Music Festival but also a wide variety of cultural networks like EFAH, Europa Nostra and the Network of European Museums Organisations (NEMO).[548] In addition to that, the programme provided funding for the permanent activities of two specific bodies working to promote and safeguard linguistic diversity[549] as well as specific actions to preserve and commemorate the main sites and archives associated with the Holocaust.

Although disagreement between the EP and the Council regarding, in particular, the budget and the depth of the Community's involvement in the cultural field remained, a general consensus appeared to have grown as to what issues should be on top of the policy agenda in the coming years. These were all issues that had already been addressed in the previous period, although some were given more prominence due to the changing context of the EU. This also led the Commission to outline its own ideas for future programmes, in which the relation between actions in the cultural field and the development of European citizenship took up a prominent position.[550] The Commission argued that because of the increasing diversity of the Union and major demographic changes taking place within the Member States, partly as a result of the significant enlargements of the Union, it was becoming more important than ever for the citizens of Europe to 'have an opportunity to experience a feeling of *belonging* to the Union and [to be] able to identify with it'.[551]

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[546] Kolyva, Van den Berg & Holt (2003): 5.
[547] Decision No 792/2004/EC. For the period 2004-2006, a dedicated budget of EUR 19 million was made available for this action.
[548] Annex II of the decision includes a full list of earmarked beneficiaries mentioned under this action.
[549] The European Bureau for Lesser-Used Languages (EBLUL) and the Mercator information and documentation network. These had been receiving support through different budget lines since 1982 and 1987 respectively.
[550] In its communication 'Building our common future', which outlined its proposals for the new financial framework and the main policy challenges to be addressed by the enlarged Union from 2007 to 2013, the Commission had identified the development of European citizenship as one of three priorities, alongside achieving sustainable development and establishing the EU as a strong global player. See CEC (2004b).
[551] CEC (2004d): 5.

The explicit recognition of culture as a factor in citizenship was already one of the specific objectives of Culture 2000 and as such it was not a new aspect of Community cultural action, although in relation to the citizenship of the EU it had been attributed more importance by the EP than by the Council. The latter had not been too eager to emphasise the relation between Community cultural action and the development of European citizenship, and had not even considered it a significant priority in its work plan. Nevertheless, occasional references to this point can be found within Council documents as well. For instance, its resolution on the integration of cultural aspects into Community actions of 20 January 1997 states that the implementation of actions with a cultural dimension should ultimately contribute to 'bringing Europe closer to its citizens, continuing the process of creating an ever closer union among the peoples of Europe [and] strengthening the sense of citizenship of the Union'.[552] Furthermore, the Council resolution on the role of culture in the development of the European Union had underlined that 'the common dimensions and mutual knowledge of cultures in Europe […] are essential components of citizens' support for, and participation in, European integration'.[553] The EP, on the other hand, was much more outspoken in its focus on the connection between cultural action and feelings of belonging to the EU. In its 1993 resolution it stated that 'the enhancement of European culture […] is essential for Europe's distinctive international image as well as for strengthening a common sense of belonging'[554], while the contribution of culture to the development of a collective European consciousness had become even more of a cornerstone in its 2001 resolution on cultural cooperation in the European Union. The latter resolution had started by presenting culture as 'the bedrock on which peoples build their identity'[555], while the EP maintained that culture was 'an essential component of EU identity' and 'the least that is required in order to consolidate the sense of European citizenship and to draw up a future European constitution'.[556] Furthermore, the EP had emphasised its view that 'in an increasingly multi-ethnic Europe, cultural policy needs to be an integral part of economic and social development, to perform a role of social cohesion and mutual enrichment, and to be a factor for belonging to a European citizenship'[557] and that 'cultural exchange and cooperation substantially contribute to Europe's capacity for integration and cohesion'.[558]

The Commission further developed its ideas on the contribution of culture to European citizenship in its 2004 communication 'Making citizenship work', in which it described the outlines of the next generation of programmes that were being prepared in those policy areas directly involving the European citizens in the integration process: culture, youth, civic participation and the audiovisual sector. It underlined the 'strong citizenship dimension' of the

[552] Council resolution 97/C 36/04.
[553] Council resolution 2002/C 32/02: point 6.
[554] EP (1993):point H.
[555] EP (2002a): point A.
[556] Idem: point 1.
[557] Idem: point T.
[558] Idem: point 2.

existing programmes in these fields, which had allowed 'millions of citizens to directly experience the benefits of European integration'.[559] The communication stressed that actions undertaken through these programmes had 'contributed and continue to contribute to upholding and disseminating the shared values that form the foundation for the political construct of citizenship at the European level'.[560] As Council and EP generally seemed in agreement over the need to contribute to the development of a European citizenship, the Commission felt justified in stepping up its activities in these areas. As stated in the communication, the Commission felt that

> [t]he notion of European citizenship must […] be given concrete meaning through direct, personal interaction - be it through participation in dialogue with the institutions, through citizens and youth exchanges, or participation in cross-border projects. By fostering the mobility of citizens, artists, cultural and audiovisual works and events, European citizens can take advantage not only of the opportunities offered by their rich and diverse cultural heritage but also of common elements in their *developing* European identity, an identity which complements those - national, regional, ethnic, religious - that citizens already have.[561]

7.3 Sectoral consultation on future actions

In preparing its proposal for the new programme, the Commission continued its active dialogue with the cultural sector, which had been started in the first phase with the cultural forum of 2001. As part of its formal consultation process, the Commission asked a working group of six specialists from the cultural field 'to reflect on the issues in respect of a new cultural policy and framework programme' and to suggest practical features which should be considered in preparing the new programme.[562] The working group's final report, published in June 2003, contained somewhat of a synthesis of the strategic cultural policy views of Council and EP on the one hand and the cultural sector's practical concerns about the Culture 2000 programme on the other hand. Setting out the key principles to which the new programme should contribute, the report followed closely the contents of the Council's work plan, highlighting as key issues the promotion of cultural diversity, the increased importance of intercultural dialogue, and the need to ensure that EU support would generate 'added value', while also stressing the necessity to 'connect Europe with its citizens' by 'strengthening the sense of belonging and creating a cultural European citizenship', and element that had been an overarching theme in some key resolutions by both the Council and the EP.[563] Regarding the programme's implementation, the working group stressed that more flexibility and more autonomy for cultural operators was required, called for the abolishment of sectoral approaches in favour of an active encouragement of interdisciplinary projects, and emphasised that the selection process should be based on intrinsic quality and effectiveness of applications, rather than the

[559] CEC (2004d): 3-5.
[560] Idem: 5.
[561] Ibid.
[562] Arkio *et al.* (2003): 2.
[563] Idem: 8.

assignment of quotas to the Member States.[564] Furthermore, it stressed that, over and above the quality and potential effectiveness of the proposed actions, the focus should fundamentally remain on the key cultural objectives, rather than on economic impact criteria.[565]

The working group advocated a significant increase in the budget as well as the development of mechanisms to generate new funds.[566] At the same time, it proposed that objectives should be matched to available resources. To achieve the latter, it recommended making cultural policy an integral part of European policy along the lines of Article 151(4) while also developing a clear policy framework with a more limited set of objectives and priorities, so that the culture programme would 'complement policies and actions in other domains'.[567] The policy priorities proposed in the report, however, still covered quite a wide range of issues, including a focus on creativity and innovation, the enlargement process, cooperation with neighbouring countries, the role of Europe in the world, intercultural dialogue and competencies, and the deepening of the integration process, community building and the development of European citizenship.[568]

In practical terms, the working group suggested that the new programme should support a more limited number of projects of a more comprehensive and larger scale and scope than under Culture 2000. With these larger projects, acting as platforms, it would then be possible to provide support for various smaller sub-projects carried out by smaller organisations.[569] In addition to that, the development of innovative approaches to cultural cooperation at all levels was to be encouraged, and a more pro-active approach to the cultural cooperation policy development was called for. Finally, the working group proposed to terminate or at least reconsider existing support for symbolic actions and instead to develop more innovative actions to increase the visibility of EU cultural actions.[570]

Much of the critical suggestions made by the working group returned in the individual responses of various cultural stakeholders to the Commission's online consultation on the new programme, which had been launched in April 2003 'to determine more precisely the expectations of cultural players' regarding the new programme.[571] Over a period of three months the consultation resulted in some 250 responses from a wide range of organisations, including European networks, cultural foundations, museums, national ministries, regional bodies and trade unions, who voiced their opinion on a limited number of questions posed by the Commission.[572] Although most respondents were happy to be consulted, the consultation itself was regarded

[564] Idem: 9.
[565] Idem: 11.
[566] Ibid.
[567] Idem: 3.
[568] Idem: 10.
[569] Ibid.
[570] Idem: 20.
[571] CEC (2003a): 3.
[572] According to the Commission, the consultation 'yielded some 250 usable replies' (CEC (2003b)); this indicates that the total number of replies will have been higher.

as quite limited and there was scepticism among the cultural operators about the impact of their input on the Commission's forthcoming proposal.[573] Rather than providing cultural stakeholders with the chance to propose new directions, it primarily served to determine how the sector might react to the plans as they were being developed. As such, the questions posed by the consultation, which asked opinions on a limited selection of issues that clearly built on the outlines sketched by the institutions, provide a better indication of the outline of the Commission's proposal than of what the sector regarded as priorities. Nevertheless, the outcomes of the consultation, as summarised by the Commission, do give a general idea regarding the consensus within the sector.[574]

Regarding the main task of the EU in the cultural field, there was general agreement with the statement that the EU was to promote transnational cultural cooperation, although the stakeholders stressed that the Member States had a role to play in this as well. Likewise, the three key objectives singled out by the Commission as having a particular European added value - strengthening the mobility of artists and other professionals in the cultural sector, promoting the circulation of cultural works, and supporting intercultural dialogue and exchanges - were widely acknowledged as fundamental elements. In addition to these three, many respondents also highlighted the importance of supporting cultural networks and the exchange of best practice and information. The sector supported the development of sustainable cooperation and generally responded favourably to the Commission suggestion to create European cooperation platforms, as long as these would not result in additional layers of bureaucracy but would function as open spaces for dialogue. At the same time, the need to support short-term projects was stressed as well. Concerning the visibility of EU cultural action, respondents agreed that this needed to be strengthened, but warned that this should not become a determining selection criterion. The Commission also noted a positive response to its question regarding the promotion of inter-institutional cooperation projects involving both the Member States and the EU, which included emblematic actions such as the ECOC. It was stressed that care should be taken to ensure the quality of such actions, but the general opinion was that they could contribute positively to the development of a common cultural area. Finally, the sector rejected the suggestion that the music and publishing industries should receive special emphasis in Community cultural action. Some respondents argued that these industries did not need support as they were already economically viable, while for others the main problem lay in the fact that the culture budget would simply not be sufficient to provide such support. Questions were also raised as to why these two industries were singled out.[575]

This brief overview of the responses to the consultation, which was provided by the Commission itself, remains very broad and does not do justice to the plurality of voices existing within the cultural sector. The cultural sector is made up of a wide variety of different actors with specific views depending on

[573] Pointed out by representatives of the sector in interviews with the author.
[574] CEC (2003b).
[575] Ibid.

their needs and specific roles within the sector, which makes it very difficult to summarise 'the' response of the sector as a singular opinion without reducing it to the general level. This applies not only to the sector's reaction to the Commission's consultation, but also to the work of umbrella network organisations like EFAH, which represent actors from across the range of the European cultural field. As one of EFAH's policy officers pointed out,

> interests in the field are so diversified. The Commission would love to have one consultative platform where all actors come together […], but you can't put commercial music labels, arts schools and non-profit music associations together and ask them to speak in one voice.[576]

As a consequence, even EFAH, which can be regarded as the primary representative of the cultural sector as a whole as it represents thousands of cultural organisations from across all the Member States and beyond and is active in all cultural domains, needs to fall back on making quite generic statements in order to present the general consensus within its own membership. Nevertheless, a closer look at EFAH's contribution to the debate, which came not only in the form of a reaction to the online consultation but also through a series of other reports in which it expressed its opinion on the new programme and the future of EU cultural action in general, already reveals a more critical position than the one presented in the Commission's summary of the outcome to the consultation.

For instance, in an earlier reflection paper EFAH had expressed the opinion that the new culture programme should aim to develop intercultural competence through artistic and cultural collaboration, cultural exchanges and the sharing of good practice and learning.[577] As such, it should be directed at supporting 'flexible and non-institutional infrastructures and/or grass-roots organisations', that is, 'pan-European cultural platforms, networks or consortia', rather than symbolic actions 'with a local impact and big visibility', such as prizes, festivals, cultural years and the ECOC event.[578] However, this criticism of symbolic actions, which had also been raised by the working group of cultural specialists but was noticeably absent from the Commission's summary of the consultation outcomes, appears to have been based primarily on the fact that these took up a relatively large share of an already limited budget.[579]

EFAH furthermore emphasised that adequate funds should be made available for the new programme and that the programme's objectives should be 'better adapted to the needs and realities of the kind of innovative cultural projects

[576] In an interview with the author.
[577] DeVlieg, Klaic & Delfos (2002): 4.
[578] Ibid.
[579] See also the response of the Association of European Conservatoires, one of EFAH's bigger members, to the online consultation (AEC 2003). On the other hand, in a study commissioned by EFAH, the European Institute for Progressive Cultural Policies argued that 'flagship projects' such as the ECOC should no longer be supported through the culture programme since 'the approach of instrumentalizing projects of an assumed symbolic or emblematic potential in order to gain an added value in visibility is thoroughly unsuitable and an outdated approach for a cultural framework program' (EIPCP (2003): 4).

actually being undertaken at a European level'.[580] However, apart from noting that there was 'some substantial concern about the programme's main objective possibly being European integration rather than cooperation through culture'[581], it did not clarify what changes should be made to the objectives. While it concluded that the ambitious scope of Culture 2000 had been an obstruction to the programme's management and that the impact could be greater if the objectives were more focused, it also conceded that this wide scope might be considered to be a fundamental characteristic of the programme.

Despite the difficulty of summarising the sector's opinion as a whole, some shared views can still be distinguished, most clearly in a series of policy recommendations for a coherent European strategy for cultural policy that came out of a conference organised by the ECF in July 2004, in the context of the informal Council of Ministers of Culture held by the Dutch presidency. Much like the Commission's 2001 forum, this conference brought together representatives from various cultural organisations as well as the Commission, the EP and some national governments. In their recommendations the participants called for the development of a 'coherent and adequately funded cultural strategy' that would balance 'the demands of artistic freedom, cultural competitiveness and active democratic citizenship'. By complementing and adding value to the policies of the Member States, such a strategy should enable the European citizens to have 'many more opportunities to experience directly what European citizenship means in practice'.[582] To achieve this, a number of proposals were made, including the systematic involvement of representatives of civil society in the planning, implementation and evaluation of cultural policies, the development of an action plan for mobility in the cultural sector, the incorporation of culture as a component in European foreign policy, increasing cultural cooperation with third countries neighbouring the EU, and the development of new tools for cultural cooperation. Finally, it was proposed to increase the budget for culture to 70 cents per citizen per year.[583]

While these recommendations, which were presented directly to Council[584], give a good indication as to what the sector felt should be the priorities in developing further action in the cultural field, it should be noted that they did not influence the Commission's proposal for the new programme, which was published the following day. The institutional decision-making process that followed on the basis of this proposal, and the new Culture Programme (2007-2013) that finally resulted from this, will now be discussed in the next chapter.

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[580] EFAH (2003): 12.
[581] This concern was expressed in the opinion of the CCPs of 17 November 2002; see: EFAH (2003): 12).
[582] Kaufmann (2004): 34.
[583] This would equal a total of EUR 350 million per year, compared to EUR 34 million spent under Culture 2000. See: Kaufmann (2004): 36.
[584] See Kaufmann (2004). The informal meeting of the Council of Ministers of Culture was held in Rotterdam on 13 July 2004, the *Sharing Cultures* conference from 11-13 July. The Commission's proposal was officially published on the 14 July.

CHAPTER 8
THE CULTURE PROGRAMME (2007-2013): ANALYSIS OF OBJECTIVES

8.1 The Culture Programme 2007-2013

On 14 July 2004 the Commission published its proposal for a new programme to replace Culture 2000.[585] After a lengthy process, slowed down significantly due to the problematic negotiations on the EU's Financial Perspectives for the period 2007-2013, EP and Council finally reached a decision on 12 December 2006. On 28 December 2006 the new Culture Programme (2007-2013) entered into force.[586]

The programme's general objective, as expressed in the decision, is

> to enhance the cultural area shared by Europeans and based on a common cultural heritage through the development of cultural cooperation between the creators, cultural players and cultural institutions of the countries taking part in the Programme, with a view to encouraging the emergence of European citizenship.[587]

In addition to this, the programme lists a further three specific objectives: strengthening the mobility of artists and other professionals in the cultural sector, promoting the circulation of works of art, and supporting intercultural dialogue and exchanges. The programme is open to all cultural sectors and all categories of cultural operators, from all Member States as well as certain third countries.[588]

The Culture Programme consists of three separate but interrelated action strands. The first of these, which covers most of the actions previously carried out through the Culture 2000 programme, provides financial support for various kinds of cultural actions, which can be divided into three groups. Firstly, it covers *multi-annual cooperation projects* between partners from at least six countries and a duration of three to five years. Such projects can take the form of, for instance, co-productions of cultural events, but also include measures for training and mobility, congresses and meetings. Secondly, the first action strand supports sectoral or cross-sectoral *cooperation measures*, with a specific focus on innovative and/or experimental projects. These are of a smaller scale than the first, having a maximum duration of two years and involving partners from at least three different countries. Thirdly, this strand contains support for *special actions* of substantial scale and scope, such as the ECOC event and the various European awards. Such actions should

[585] CEC (2004e).
[586] Decision No 1855/2006/EC.
[587] Idem, Article 3(1).
[588] Non-EU countries eligible for participation include those countries belonging to the EFTA /EEA; EU-candidate countries; the countries of the Western Balkans; and third countries that have bilateral agreements with the EU that include cultural clauses.

'strike a significant chord with the peoples of Europe and help to increase their sense of belonging to the same community, make them aware of the cultural diversity of Member States, and also contribute to intercultural and international dialogue', but they should also raise the visibility of Community cultural action within and beyond the EU and contribute to 'raising global awareness of the wealth and diversity of European culture'.[589] Although the high profile events had received significant criticism from the cultural sector, which had argued that they were not conducive to the objective of stimulating multilateral cooperation and might be better placed within a separate PR programme, these elements not only remain an integral part of the programme, but in the case of the ECOC event have even been given additional emphasis, with the EP and the Council stating that 'significant funding should be given to this event, which has a high profile among Europeans and helps to strengthen the feeling of belonging to a common cultural area'.[590] Like the multi-annual cooperation projects, special actions are required to meet at least two of the three specific programme objectives.

The second strand of the programme incorporates the largest part of the existing action programme to promote bodies active at European level in the field of culture.[591] Under this strand, multi-annual operating grants are available to cultural organisations engaged in the promotion of European cultural cooperation or 'pursuing aims of general European interest' in the field of culture. This form of support is intended to enable

> European organisations which are constantly engaged in promoting cultural cooperation or play the part of "ambassadors" for European culture and have acquired considerable expertise in the field […] to take advantage of their experience and develop their activities.[592]

These organisations are expected to supplement activities taken in the first strand and in doing so promote European cultural cooperation beyond the project level. To be eligible for funding, these bodies must present a 'real European dimension', which means that their activities are to be carried out at the European level, and that their structure and activities must have a potential influence at EU level or cover at least seven member countries.

Finally, the third strand supports the provision of analysis and information on cultural cooperation. Through this strand funding is provided for the Cultural Contact Points (CCPs) which serve to promote and disseminate practical information on the programme at the national level[593], various studies on

[589] Decision No 1855/2006/EC: Article 8.
[590] Idem: Article 13.
[591] Of the three elements of the older programme, only support for cultural networks and ambassadors were integrated into the Culture Programme. Support for EBLUL and the Mercator network was incorporated in the new Lifelong Learning programme, while support for Holocaust preservation project, which had been part of the Commission's original proposal, was relocated to the Citizens for Europe programme after an amendment made by the EP.
[592] CEC (2004f):10. NB: the important role of networks of cultural organisations in cultural cooperation in Europe was also emphasised by the Council, in resolution 91/C 314/01.
[593] CCPs had been introduced within the context of Culture 2000 to act as interfaces between the cultural sector and the decision-makers. The CCPs exist in all countries eligible to

cultural cooperation and European cultural policy development, and projects that aim to maximise the impact of cultural cooperation projects through the exchange of information and good practices. The goal of this strand is to remove practical obstacles to cooperation, thus helping to create 'an environment which is conducive to cooperation'.[594]

The Culture Programme was designed to go beyond its predecessor in providing a 'consistent, overarching and comprehensive instrument to promote multilateral cultural cooperation in Europe which is capable of doing justice to its complexity'.[595] According to the Commission, resolving the existing 'fragmentation of actions' was a necessity as it undermined

> the Community's standing amongst its citizens, who do not know how much effort is put into preserving and propagating their cultures, and making culture an integral part of the European project, and, above all, it threatens the coherence of Community action.[596]

In the new programme, the sectoral approach that had characterised the first generation of programmes has been abolished. This had also been the intention of Culture 2000, but distinctions between artistic and cultural disciplines had still been made by appointing yearly focal points, an approach that had received criticism for not adequately supporting the multidisciplinary objectives of the programme, nor new forms of cultural expression that did not fit neatly into one category. Acknowledging that this was counterproductive, the new programme not only allows cultural operators to propose projects of a cross-sectoral nature, but even encourages the development of integrated multidisciplinary projects.[597] Furthermore, the programme has a stronger focus on the development of long-term, exploratory or 'special' cooperation projects, which the Commission describes as 'essential in as much as it contributes to the impetus of cultural activity at European level and takes the form of activities which are visible for European citizens both inside and outside the countries taking part in the programme'.[598] Another reason for supporting such projects is that they enable the EU to raise its international cultural profile. In order to strengthen the EU's image outside of its borders, projects taking place in third countries are especially supported.

8.2 Main issues in the decision-making process

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participate in the programme, where they are responsible for promoting the programme, facilitating the participation of cultural professionals, ensuring exchange of information with national cultural institutions, maintaining contact between the participants in the various Community programmes and providing a link to the other sources of information on the various Community programmes.

[594] CEC (2004f): 11.

[595] Idem: 10.

[596] Idem: 9.

[597] Although welcomed by most, this decision has also been criticised, for instance by Europa Nostra, which preferred the clearer support offered by the Raphael programme. Some MEPs have also argued in favour of more sectoral recognition, especially for the heritage field.

[598] CEC (2004f): 10.

The main issues that arose in the context of the negotiations on the Culture Programme concerned financial or technical issues. Most fundamentally, the debate revolved around the extent to which the budget should be raised. While all parties, including the Council[599], agreed that Culture 2000 had insufficient resources, it was much harder to reach agreement as to what would be an appropriate increase to the programme's funding. The Commission proposed a total budget of EUR 408 million for a five year period, an absolute increase of 72% when compared to the EUR 236.5 million that had been available for the seven years that Culture 2000 had ran.[600] However, cultural sector representatives were quick to point out that in reality this represented an increase of only 14%, as the new calculation did not take into account the enlargement of the EU or the fact that the new programme would include a number of activities that had previously been part of separate actions, as well as its administration costs.[601] In an attempt to achieve a more substantial increase to the budget, EFAH and the ECF, two of the main cultural advocacy networks, launched a '70 cents for culture' campaign, which underlined that yearly support for culture under Culture 2000 (EUR 34 million) had amounted to no more than 7 cents per citizen. Pointing at the insignificance of this number, it proposed to raise the budget to '70 cents per citizen', leading to a total of EUR 315 million per year.[602] The campaign managed to gain some momentum when it was picked up by a number of individual MEPs, who actively started advocating an increasing the budget in letters sent to Commission President Barroso and presiding Council President Juncker. Although the EP as a whole would not raise the budget this far, it did agree on a proposal for a total programme budget of EUR 600 million.[603] However, the inter-institutional debate on the budget was hindered severely by the problematic negotiations on the EU's Financial Perspective for the period 2007-2013, which had come to a standstill in the course of 2005 and meant that the Council was unable to take up a common position on this aspect of the Commission's proposal. When the Member States were finally able to agree on the EU's finances by the Spring of 2006, the Council proved unwilling to significantly increase the budget for culture, and the EP finally had to settle for a total budget of EUR 400 million.[604]

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[599] Press release: 2381st Council Meeting – Cultural/Audiovisual Affairs. Brussels, 5 November 2001. C/01/377: 13.

[600] According to one policy officer within the DG EAC, this proposal had been the result of 'tough discussions' between the various DGs. Given the uncertain outcome of the budget negotiations for 2007-2013 and the fact that the Commission had to adapt to the new financial regulations which had been in place since 2002, DG EAC had found it especially difficult to get approval for its proposed budget.

[601] See the briefing papers by EFAH (2004) and CCP Germany (2004).

[602] Although the campaign contained a detailed breakdown of what this amount would be spent on, the figure of '70 cents' was mainly intended as a symbolic amount, as a number of the people involved in the campaign stated in a personal interview with the author.

[603] EUR 600 million would amount to 19 cents per citizen – already a significant increase compared to the original proposal.

[604] Although dissatisfied with the fact that the budget was not raised as much as it had called for, EFAH and the ECF nevertheless maintain that the campaign was not a total loss, since in many other areas the budgets had actually been reduced. This sentiment was shared by a senior Commission official, who, in an interview with the author, stated that 'everyone knew that 70 cents was not achievable, but [the campaign] was helpful to get some pressure on'.

Apart from the total amount available, the allocation of funding to the different strands of the Programme was another source for debate, with both EP and Council proposing a breakdown that disagreed with the original Commission proposal. For instance, the EP argued that far less of the budget should be spent on the programme's administrative costs, while the Commission maintained that a substantial administrative budget was necessary for an effective selection procedure, the improvement of which it saw as one of its main tasks. The standards for duration and minimum and maximum levels of support were another topic of discussion between the various institutions. After much debate, the Council finally amended the original proposal to allow for greater flexibility and accessibility of the programme. Furthermore, it was decided that actions in the first strand would be required to meet *at least* two out of three of the programme's objectives, while cooperation measures must meet the standard for the number of participating partners required (from at least three different countries).

The budgetary breakdown was one of the main topics of debate *within* the Council as well. Although the Member States were no longer as divided on taking cultural action as they had been in the past, the discussions on the programme's thresholds and the duration of cooperation projects did reveal some disagreement between the Member States. For instance, many of the new Member States were unhappy with the fact that strand 2 of the programme would continue to provide structural funding to an earmarked group of established organisations that were mostly located in the older Member States.[605] The smaller Member States also felt that they would be disadvantaged by the focus on longer-term projects, as this would favour larger organisations with a bigger budget, given the significant financial investments involved. Given the fact that the bigger organisations tend to be concentrated in the bigger countries, in particular the smallest Member States feared that they would lose out. Siding with these countries, the EP also strongly argued the case for smaller organisations, calling for more funding to be made available at the expense of larger organisations.

In the end, only slight adjustments were made to the original budgetary breakdown. The most significant change was that certain types of actions, such as the ECOC programme, were to receive a higher level of support, in order to help implement activities stressing European visibility and trans-European cultural cooperation. The largest share of the budget (77%) was allocated to actions under the first strand, with dedicated percentages for each category (32% for cooperation projects, 29% for cooperation measures, and 16% for special actions). 10% of the budget would be reserved for operating grants for cultural bodies (strand 2), while 5% could be spent on activities falling under the third strand. The remaining 8% of the overall budget would be spent on the programme's management.

[605] Earmarked organisations were specifically included in Decision No 792/2004/EC: Annex II. The solution for this problem was the earmarking of these organisations would be phased-out. In the first period, they would will still receive structural support directly, but from 2010 onwards they would have to make periodical applications like any other organisation.

Apart from the allocation of funding, significant attention was paid to changes in the programme's management, an issue that had been raised throughout the evaluation of Culture 2000. The main management issue in the discussions between the institutions revolved around the involvement of the Management Committee in the programme's selection process (the so-called comitology procedure), which had received criticism for causing months of delay in the selection process. The Commission had proposed to abolish this procedure as far as the selection of projects was concerned, in particular to simplify the procedures for shorter-term projects, but the Council was determined to keep it in place. After lengthy discussions, a compromise was finally struck with the EP proposing to apply the procedure only to multi-annual cooperation projects.[606] However, most management changes could be made without a formal joint decision from EP and Council, and many changes to the application and selection procedures had already been dealt with over the course of the programme. For instance, in an attempt to increase the user-friendliness of Culture 2000, the Commission handed over much of the programme's management to the new Executive Agency for Education and Culture (EACEA).[607] Further changes were introduced after the start of the new programme. In order to make the selection process more transparent, the award criteria were reorganised, and changes were made to the selection of the panel of experts deciding on the applications, while attempts were made to make the application process more accessible by abolishing the financial threshold of 5% own contribution for all partners, and introducing a two-step application process, to ensure that applications no longer need to go through the time-consuming details needed for the final assessment.

8.3 Changes to the programme's objectives

While these more practical issues were cause for considerable debate between the institutions, by contrast there was only limited discussion about the contents and objectives of the programme, although these appeared to have been modified noticeably in comparison to Culture 2000. All actors agreed that the new programme should be designed primarily to stimulate cooperation through support for projects and exchanges, as had been the case with Culture 2000, and as such the Commission's proposal had sought merely to improve on those elements that had been identified as problematic within the old programme, but saw no need to abandon the main lines set out in the past. As the Culture 2000 evaluation had shown, the large number of objectives connected to the programme was regarded as one of the main obstacles to the programme's functioning. Not only were the eight different

[606] However, the Commission's legal service later determined that the comitology procedure needed to be applied after all. As a result, the legal basis for all programmes in which the procedure is involved has needed to be redrafted. By the end of 2008, the EP and the Council finally adopted a decision that amends the use of the comitology procedure in the Culture Programme (Decision No 1352/2008/EC).

[607] Set up in 2005, the EACEA is also responsible for managing a number of programmes in the education and audiovisual fields. As such, it falls under DG EAC as well as DG Information Society and Media.

objectives considered to be too ambitious, especially in relation to the limited financial resources available, but the general experience was that they were also too ambiguous to be used in the application process.[608] To address this problem and to achieve a programme that would overall be more coherent, the Commission reduced the number of specific objectives to a total of three (*see table 8.1*). None of these elements were new: the first two, *strengthening the transnational mobility of cultural players* and *promoting the circulation of artistic products*, more or less replace the second specific objective (b) of Culture 2000, with the omission of the latter's emphasis on young and socially disadvantaged people and on cultural diversity; the third specific objective of the new programme, supporting *intercultural dialogue and exchanges*, replaced both the earlier objectives (a) regarding the promotion of cultural dialogue and mutual knowledge within Europe, and (f), fostering intercultural dialogue and mutual exchange with non-European countries. According to the Commission, these objectives were singled out as there was general agreement among all actors involved that these should be the key objectives of the new programme, and as the previous chapter has shown, these three objectives had indeed appeared as key issues throughout the debates on the implementation of Culture 2000 and the future of Community cultural action.

Table 8.1: Objectives of Culture 2000 and the Culture Programme

Culture 2000	**The Culture Programme (2007-2013)**
General objective:	***General objective:***
To contribute to the promotion of a cultural area common to the European peoples. In this context, [the programme] shall support cooperation between creative artists, cultural operators, private and public promoters, the activities of the cultural networks, and other partners as well as the cultural institutions of the Member States and of the other participant States.	To enhance the cultural area shared by Europeans and based on a common cultural heritage through the development of cultural cooperation between the creators, cultural players and cultural institutions of the countries taking part in the Programme, with a view to encouraging the emergence of European citizenship.
Specific objectives (8):	***Specific objectives (3):***
a) promotion of cultural dialogue and of mutual knowledge of the culture and history of the European peoples;	1) to promote the transnational mobility of cultural players;
b) promotion of creativity and the transnational dissemination of culture and the movement of artists, creators and other cultural operators and professionals and their works, with a strong emphasis on young and socially disadvantaged people and on cultural diversity;	2) to encourage the transnational circulation of works of art and other cultural and artistic products;
c) the highlighting of cultural diversity and the development of new forms of cultural	3) to encourage intercultural dialogue;

[608] See: CEC (2004f).

expression;	
d) sharing and highlighting, at the European level, the common cultural heritage of European significance; disseminating know-how and promoting good practices concerning its conservation and safeguarding;	
e) taking into account the role of culture in socioeconomic development;	
f) the fostering of intercultural dialogue and mutual exchange between European and non-European cultures;	
g) explicit recognition of culture as an economic factor and as a factor in social integration and citizenship;	
h) improved access to and participation in culture in the European Union for as many citizens as possible.	

However, when taking a closer look at the specific objectives of both programmes it becomes clear that this reduction is not as radical as it first appears. Most prominently, the last part of the former objective (g), emphasising culture as a factor of citizenship, has been upgraded to become an overarching objective for *all* actions. This change is fully in line with the general policy priorities as outlined by the Commission, in which the development of citizenship had been identified as a main concern for the Community, especially in relation to actions taken in the fields of culture, youth, civic participation and the audiovisual sector. In the new programme, support for the emergence of European citizenship is thus placed at the heart of Community cultural action, both in the programme's general objective and in the first recital of the preamble to the programme's decision, where the EP and the Council state that

> It is essential to promote cooperation and cultural exchanges in order to respect and promote the diversity of cultures and languages in Europe and improve knowledge among European citizens of European cultures other than their own, while at the same time heightening their awareness of the common European cultural heritage they share. Promoting cultural and linguistic cooperation and diversity thus helps to make European citizenship a tangible reality by encouraging direct participation by European citizens in the integration process.[609]

This recital also shows that the promotion of cultural diversity, included in the first part of specific objective (c) under the Culture 2000 programme, remains an essential underlying aspect of the Culture Programme as well.

Moreover, while the references to the socio-economic impact of culture in the former specific objectives (e) and (g) have in fact been removed from the programme, as the first interim evaluation of Culture 2000 had proposed, they still feature prominently in the decision establishing the programme. This

[609] Decision No 1855/2006/EC: preamble, recital 1.

indicates that they continue to be regarded as important underlying objectives. The preamble underlines that 'the cultural sector is an important employer in its own right', that there is 'a clear link between investment in culture and economic development', and that 'improving access to culture for as many as possible can be a means of combating social exclusion'.[610] With respect to the latter, Article 12 also stipulates that the programme is meant to contribute to a series of other Community objectives, including 'the elimination of all discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'.[611] Furthermore, although funded projects are still not allowed to make a profit, the programme has for the first time been opened to participation by (non-audiovisual) cultural industries, in particular small cultural enterprises.[612]

On the other hand, the removal of the focus on the preservation of the common cultural heritage (d) and the development of new forms of cultural expression (c) appears to be more absolute. Although a general reference to the common cultural heritage has been newly included in the general objective, the programme no longer includes any single reference to either of these two objectives.[613] But this does not mean that these elements have been removed from the programme altogether. Despite the fact that specific actions are no longer spelled out in the programme's decision, projects pursuing these aims remain eligible for support. This change should therefore be regarded primarily as an attempt at streamlining the programme's objectives by removing any unnecessary references.

Taking these changes into account, it thus appears that the programme's apparent reduction in specific objectives does not necessarily reflect a significant change in focus for the more general objectives of the EU's involvement in the cultural sector as such, let alone the removal of these elements from the policy agenda altogether. While the formulation of objectives has certainly become more restrained as the articles no longer spell out all the details, for most objectives this change seems to be a largely cosmetic attempt at clearing up the ambitious appearance of the previous programme.

One change, however, requires closer attention, and that is the fact that 'improving access to and participation in culture for as many EU citizens as possible', specific objective (h) of Culture 2000 and a long-standing key element in the Community's cultural policy, hardly appears to be a priority anymore. With the exception of one reference that underlines that improving access to culture can be a way to combat social exclusion[614], all references to access and participation in the programme's decision refer to cultural operators only. It may be argued that, as was the case for heritage preservation, the omission of this element does not mean that it is no longer

[610] Idem: preamble, recitals 4 and 5.
[611] Idem: Article 12(d).
[612] Idem: Article 3(1).
[613] There had been some debate in the EP about a proposal to include the preservation of cultural heritage as a fourth specific objective, but this never made it into programme.
[614] Decision No 1855/2006/EC: preamble, recital 5.

an aspect of the programme, with actions such as the translation of literary works still being directed (at least in part) at enabling access. Furthermore, in particular the third specific objective, the promotion of intercultural dialogue, may very well be seen as directed at the wider public. In practice, the Community's various cultural actions have always been directed at both cultural operators (that is, the producers and facilitators of culture) and the wider European public, with different target groups indicated depending on the objective of the action. For instance, the introduction of a special pass for museums and cultural events was especially directed at ensuring access for young people, while support for research on heritage preservation techniques directly benefitted this section of the cultural sector. Nevertheless, it would appear that the programme deliberately lacks any positive recognition of the fact that access and participation are to be promoted. This signals a much more fundamental change, namely that in comparison with the previous programmes the actions of the Culture Programme are more prominently directed at the cultural operators than at the European citizens, even though the latter remain 'the ultimate target group of all EU actions in the field of culture', as stated in the Commission's communication 'Making citizenship work'.[615]

Given the fact that the promotion of citizenship has now become such a prominent objective in the programme, this reduced emphasis on fostering audience participation in the cultural field is at least remarkable. This apparent inconsistency can be understood when regarded in the context of other actions undertaken with the specific aim of fostering citizenship and civil participation, in particular the new 'Europe for Citizens' programme.[616] The latter replaced the first Community Action Programme to promote active European citizenship (civic participation), which had been adopted by the Council in 2004 and brought together a number of actions that had until then been undertaken as separate actions to promote citizenship, such as the Town Twinning scheme.[617] The close relation between this programme and the existing Community programmes in the areas of culture, youth and the audiovisual sector had been emphasised in the 'Making citizenship work' communication, in which the Commission had outlined its intention to streamline Community action in all areas relating to the development of citizenship in the new generation of programmes for 2007-2013.[618] Given these close ties, it is not surprising that there are significant overlaps between the Culture Programme and the Europe for Citizens programme. The latter programme's preamble stated that

> For citizens to give their full support to European integration, greater emphasis should […] be placed on their common values, history and culture as key elements of their membership of a society founded on the principles of freedom, democracy and respect for human rights, cultural diversity, tolerance

[615] CEC (2004d): 10.
[616] Decision No 1904/2006/EC. The programme had a total budget of EUR 215 million.
[617] Council Decision No 2004/100/EC.
[618] The Commission had even considered merging all the existing programmes with a citizenship dimension into one single framework programme, a plan that was abandoned because there was no conclusive evidence that this would result in greater simplification. See: CEC (2004d): 3.

and solidarity, in accordance with the Charter of Fundamental Rights of the European Union[619]

As this indicates, bringing the common culture to the fore has also been made into an underlying objective of the Europe for Citizens programme. More specifically, the programme has four general objectives:

- Giving citizens the opportunity to interact and participate in constructing an ever closer Europe, which is democratic and world-oriented, united in and enriched through its cultural diversity, thus developing citizenship of the European Union;
- Developing a sense of European identity, based on common values, history and culture;
- Fostering a sense of ownership of the European Union among its citizens;
- Enhancing tolerance and mutual understanding between European citizens respecting and promoting cultural and linguistic diversity, while contributing to intercultural dialogue.

All of these are closely connected to the overall purpose of the Culture Programme as expressed in the first recital of its preamble, namely to contribute to making European citizenship a tangible reality for the peoples of Europe. In particular the fourth objective, which refers to the programme's contribution to intercultural dialogue, directly overlaps with the objectives of the Culture Programme. This interconnectedness can also be found in many of the actions covered by the programme. For instance, the programme contains support for actions related to the preservation of the main sites and archives associated with the deportations and the commemoration of the victims of Nazism and Stalinism, which had since 2004 been supported under the Community action programme to promote bodies active at European level in the field of culture, and had initially been included in the Commission's proposal for the Culture Programme.[620] Furthermore, there is a close relationship between the 'special actions' supported under the first action strand of the Culture Programme, such as the various European awards and the ECOC event, and support for high visibility events under the Europe for Citizens programme, which is directed at commemorations of historical events, celebrations of European achievements, artistic events, awareness-raising campaigns and the awarding of prizes to highlight major accomplishments. Both programmes indicate that such events should be 'substantial in scale and scope, strike a significant chord with the peoples of Europe and help to increase their sense of belonging to the same community', as well as involving the citizens in intercultural dialogue.[621] The difference between the two appears to be that while the special actions of the Culture Programme are expected to 'raise the visibility of Community cultural action within and beyond the European Union' and to contribute to 'raising global awareness of the wealth and diversity of European culture'[622], thus also

[619] Decision No 1904/2006/EC, preamble, recital 4.
[620] An amendment to move this element to the Europe for Citizens programme had been made by the EP.
[621] Decision No 1855/2006/EC; annex, point 1.3; this is almost an except copy of Decision No 1904/2006/EC; annex, point I.
[622] Ibid.

serving to promote the EU across its borders, the Europe for Citizens programme is more inward-looking, focusing primarily on actions that are 'highly visible to citizens'.[623] In conclusion, while both programmes aim to encourage participation by the citizens, the existence of Europe for Citizens as a structured programme actively addressing the citizens made it possible for the Culture Programme to become more focused on supporting cooperation projects between cultural operators, the forming of lasting networks, and artistic creation. In this way both programmes were further streamlined to achieve the same goal through related but different paths.

8.4 Concluding remarks

The Culture Programme (2007-2013) has had somewhat of a mixed reception from the culture sector. There has been much disappointment over the budget and the fact that the programme does not provide much room for smaller organisations. In terms of the changes made to the objectives, the cultural heritage organisations have been particularly displeased with the removal of explicit references to heritage preservation from the programme's objectives. As the remaining three specific objectives were seen to refer to cultural creativity only, at the start of the programme many heritage operators were left in doubt as to whether or not their sector was still eligible to participate in the programme.[624] The reduction in objectives has also been criticised by EFAH, which has observed that the Commission has apparently fallen into the trap of 'narrowing the objectives down to an obvious EU competence area, mobility'.[625] While EFAH agrees that the programme *should* focus on the mobility of artists and artistic works, it stresses that this should not be an end in itself, as it appears to be in the programme. As for the programme's third objective, supporting intercultural dialogue and exchanges, it has concluded that this is 'too much of a vague, and therefore potentially catch-all, proposition. 'Intercultural dialogue' means nothing and commits nobody to anything'.[626]

EFAH furthermore has made the point that the programme still does not make a clear choice in objectives. Rather, the Commission's proposal refers to a whole range of 'ends' towards which culture is supposed to be the 'means', such as citizenship, belonging, identity, external visibility, international cultural influence, inclusion, integration and equality. EFAH has been particularly critical about the fact that the programme appears to be more of an instrument for EU public relations than an instrument for cultural policy.[627] Similarly, the German CCP has expressed its concern that the new objectives have been formulated in such general terms and in such a misleading way that thereby only the 'European added value' is ensured. To the CCP, the objectives seem

[623] COM (2004)154 final: 11.
[624] As noted by a representative of one of the main cultural advocacy networks, in an interview with the author.
[625] EFAH (2004): 3
[626] Ibid.
[627] Ibid. See also SICA (2004): 2-5.

to be not so much about cultural cooperation or exchange, but about cultural export.[628]

Nevertheless, the general feeling among cultural players is that the programme is definitely an improvement in comparison to Culture 2000, and most organisations have been pleased with the reduction of objectives, which overall appears to have given more clarity to the programme. It can be concluded, however, that in terms of both objectives and approach the programme is not very far removed from its predecessor.

[628] See for instance the reaction by the German CCP (2004) to the Commission's proposal.

CONCLUSION

As the historical account outlined in this study has shown, the development of EU cultural policy has been characterised by a high degree of continuity. Although the justifications for the various actions that were undertaken since the mid-1970s have developed over time and shifts can be noted in accents and priority areas, there have not been any major changes to the general objectives of the policy. Since its beginning EU cultural policy has had multiple objectives which have been formulated in different ways according to the dominant discourse of the day. The justification for involvement in the cultural field has been based on economic, social, political or even more strictly cultural grounds. To a certain extent, policy development has been the inevitable result of functional spillover from socio-economic regulations developed in other policy areas, which has made it necessary for the Community to become involved in the cultural field as well. But for the most, actions have been undertaken as purposeful contributions to furthering the integration process. Over time, the contribution to the emergence of European citizenship has emerged as the dominant theme, replacing the more politically sensitive 'identity building' discourse of the 1980s. This has generally come to be accepted by all institutions and can now be regarded as the ultimate objective of the programme, albeit one that is often addressed indirectly.

As the specific constraints built into the EU policy process only allow for limited action to be taken in this sensitive field, the development of policy in the cultural field has been a particularly time-consuming process. Throughout the 1970s and 1980s, Community involvement in the cultural field was limited due to the lack of a legal basis and initial reluctance among the Member States to undertake any action in this area, as a result of which it was highly problematic to implement any measures of significance. Although the EP and the Commission both attempted to further their involvement in the field, policy development was slow, financial support remained marginal, and the actions taken were predominantly symbolic and largely *ad hoc*. Over the course of the 1980s, the Member States let go of some of their initial reluctance, most noticeably resulting in the inclusion of culture into the Treaty of Maastricht. However, the introduction of Article 151 EC should certainly also be seen as a way for the Member States to retain, or regain, control over policy-making in this area. Although the new article did finally provide a legal basis for cultural action, it also brought with it significant limitations, best exemplified by the dominance of the subsidiarity principle. As a consequence, the introduction of culture in the Treaty did not result in major changes in policy. The development of cultural policy throughout the 1990s and the 2000s can for the most part be seen as a continuation of existing actions, although in a more structured way and on a somewhat larger scale. While the programmatic actions undertaken in this period underwent a series of changes with regard to their implementation and the structuring of the various programmes, the general objectives remained the same, only the priorities changed.

This study has covered the development of EU cultural policy from the first actions in the cultural field in the mid-1970s up until the start of the Culture

Programme, which was adopted at the end of 2006. But the development of EU cultural policy does not stop there. In fact, since then the policy agenda appears to have been evolving more rapidly than ever before, mainly as a result of the so-called 'European Agenda for Culture in a Globalizing World', a proposal for which was published by the Commission on 10 May 2007. The Commission's communication of that date contains the outlines for a common cultural strategy for the European institutions, the Member States and the cultural sector. Based on this new agenda, which was adopted by the Council in a resolution of 16 November 2007, EU cultural policy can now be said to revolve around three major interrelated objectives. The first of these, promoting cultural diversity and intercultural dialogue, sees a continuation of the existing objectives as incorporated in the Culture Programme, covering the programme's specific objectives of promoting the mobility of artists and professionals in the cultural field as well as the transnational circulation of artistic expressions, and the promotion and strengthening of intercultural competences and intercultural dialogue. In addition to the continued support through the Culture Programme, various new actions have already been undertaken. For instance, in 2008 a number of emblematic actions were carried out across the EU and in the individual Member States to celebrate the European Year of Intercultural Dialogue, the main objective of which was to 'encourage the mobilisation of civil society and actors at the European, national and local levels'.[629] In the same year, a new study on mobility incentives in the cultural sector was carried out for the Commission[630], while intense support by the EP resulted in the launch of a pilot for a new artist mobility scheme, which in the long run is proposed to become a sort of Erasmus-like project for mobility of cultural operators.[631]

The second cultural policy objectives mentioned in the Commission's strategy, which focuses on the 'promotion of culture as a catalyst for creativity', can be seen as a significant expansion of the older objective of acknowledging the economic potential of the cultural sector, which has been present throughout the various programmes. This objective appeared to have been moved to the background in the Culture Programme, but it has very much become a focal point in the new Community strategy, in particular in the context of the general economic objectives set by the Lisbon Strategy, which aims to promote economic growth, job creation and greater social cohesion by transforming Europe into the most competitive knowledge-based society in the world. It is now widely recognised that the cultural industries and the creative sector have significant direct and indirect impacts on the European socio-economic environment and that they contribute substantially to European GDP, growth and employment[632], as well as to the development of creativity, which is in itself regarded as 'the basis for social and technological innovation, and

[629] Decision No 1983/2006/EC.
[630] ERICarts (2008).
[631] The initial idea for this scheme was launched by the ECF and then picked up by the EP, on whose initiative the pilot was started.
[632] A study by KEA European Affairs (2006), carried out for the Commission, estimated that in 2004 more than 5 million people worked for the cultural sector (3.1% of total employed population in the 25 Member States) and that the cultural sector contributed around 2.6 % to the EU GDP in 2003, with growth significantly higher than that of the general economy in general between 1999 and 2003.

therefore an important driver of growth, competitiveness and jobs in the EU'.[633] According to the Commission, the cultural industries and the creativity which they generate should be regarded as 'an essential asset for Europe's economy and competitiveness in a context of globalisation'; therefore '[t]he role of culture in supporting and fostering creativity and innovation must be explored and promoted'.[634] To harness this potential, specific attention is being paid to promoting creativity in education, enabling capacity building in the cultural sector, and encouraging the establishment of creative partnerships between the cultural sector and other sectors, in order to reinforce the social and economic impact of investments in culture and creativity. In the context of the European Year of Creativity and Innovation (2009), various actions were also taken to raise public awareness, promote policy debate within the Member States, and contribute to the fostering of creativity, innovation and intercultural competences.

Finally, building upon the earlier objective of fostering intercultural dialogue and encouraging mutual exchange between European and non-European cultures, the new agenda highlights the promotion of culture as a vital element in the EU's international relations. This signals a commitment to developing a new and more pro-active cultural role for culture in the context of Europe's international relations in order to help promote knowledge of and understanding for Europe's cultures throughout the world, but also to support the objectives of various other policy areas. To achieve this, the Commission has proposed that cultural actions are to be to integrated systematically in dealings with partner countries and regions in areas such as trade and development policy, and to increase support for specific cultural actions and events.

Perhaps more importantly, the new agenda for culture has introduced a number of new working methods in order to improve cooperation between actors at all levels. Potentially the most important of these is the Open Method of Coordination (OMC), a flexible intergovernmental mode of governance which has been introduced to allow the Member States to work together more closely in the pursuit of shared objectives in the cultural field. Under this form of cooperation, the Member States attempt to agree on very broad common objectives which are then transposed into national and regional policies, to be followed up by a dynamic process of regular reporting and exchanges of best practice and relevant data, in order to foster mutual learning. Crucially, the OMC is non-binding and does not aim to lead the establishment of common Community policies, thus allowing the Member States to retain full responsibility over cultural matters. This method is regarded to be especially suitable for policy areas where the Member States have retained much of their competence, and has been applied successfully in policy areas such as employment, social protection, education and youth.

While the introduction of the OMC firmly places the initiative for the development of further policy cooperation in the cultural field with the Member

[633] CEC (2007a): 9.
[634] Ibid.

States and effectively excludes the EP from the process, this shift in power is somewhat offset by recent changes introduced to the decision-making process with regard to the EU's cultural policy actions as carried out under Article 151 EC. In the renumbered Article 167 of the new Lisbon Treaty, the position of the EP has been strengthened, and the unanimity requirement has finally been removed, which means that QMV will now apply to decision-making in the Council. In particular the second change might have an effect on decision-making as far as direct Community actions are concerned, as this effectively removes the veto power that individual Member States had held since 1992. Although, as has been argued earlier, it is questionable whether the unanimity requirement has had an actual effect on the kind of actions adopted in the past, it may very well be that its removal can help overcome some of the delays in decision-making which have hindered the policy process in the past. However, no changes were made to the range of actions that can be taken in the cultural field, as harmonisation of national laws and regulations is still excluded.[635] If any developments are to take place in this area, it will have to be carried out under the umbrella of the OMC.

However, it remains to be seen to what extent the OMC will actually result in any significance policy changes affecting the EU as a whole. As the OMC is non-binding, there is no guarantee that all Member States will take part in any attempt to enhance cooperation in the cultural field. Furthermore, the OMC does not provide the Member States with an additional budget for actions taken, which means that any cooperation actions developed will have to be funded by the individual Member States taking part. Both aspects may prove to be significant obstacles to further cooperation at a time when national budgets are under increasing pressure and nationalist tendencies in the political landscape in parts of Europe make it more likely that future governments will hesitate to embark on further cooperation with the other Member States, especially in an area like culture. What is more, as the cultural sector is being threatened with cuts at the national level, so too the EU's culture budget will come under increased scrutiny. Although the current budget for direct Community funding of cultural projects through the Culture Programme is fixed until 2013, this may eventually limit any further developments in this field.

In light of the expected pressures on the culture budget, one issue that will become of increasing concern in the coming years is the impact of the Community's cultural actions. While there may now be a consensus on the necessity of undertaking actions in the cultural field, there is surprisingly little evidence of the actual effects of these actions in terms of contributing to the overall policy objectives. Although this aspect has not been taken into account in this study, which has focused solely on the development of the cultural

[635] See: Lisbon Treaty, OJ C 306/83; 17/12/2007. The new Treaty also contains additional references to culture in several more general articles of the Treaty, such as the second recital of the Preamble which now states that the Treaty draws inspiration from 'the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law'.

policy in relation to its objectives, this is an issue that is of significant relevance, and would certainly justify further research.

Problems around programme monitoring and evaluations have been noted for many years, but have only recently become a more prominent issue for the Commission, which now has the development of tools to measure this as one if its aims. Among the problems faced are the lack of benchmarking and the fact that the goals of the actions are generally not formulated in a quantifiable sense, for instance, in terms of an increase in total number of performances or greater audience numbers. Even more critical, however, is the fact that current measuring instruments only have a relative value. The existing programme evaluations have invariably made reference to the numbers of projects supported by the different actions as an indication of their effect on the development of cooperation in the cultural sector. Such impacts can be measured in a rather straightforward manner in terms of quantifiable output indicators, and such an approach may also be useful in order to monitor the quantitative impact of the actions on the audience. However, measuring the *qualitative* impacts of the projects supported and the programme as a whole in terms of their contribution to the overall objective of promoting a sense of European citizenship is far more problematic.

While it can be expected that the development of cooperation projects and the creation of networks of operators will first and foremost have an effect on the cultural operators involved, and perhaps also on the sector at large, it seems essential that any evaluation that aims to establish the impact of EU cultural policy must also take into account the effects of the various actions on the general public, the ultimate target group of much of the Community's direct actions in the cultural field. However, audience research has so far been lacking from the limited impact research that has been carried out. Although DG EAC has in recent years been making some attempts to collect data on cultural outputs and the number of people affected by them, for instance by making audience reach a selection criteria for the current programme, several policy officers within the DG have indicated that a systematic approach has so far been lacking.[636] In light of the prospect of rising pressures on the culture budget and the EU's recent turn towards develop a more evidence-based approach to policy-making in the cultural field, as part of its new agenda for culture, the development of ways to measure the programme's impact on the European citizens in order to assess if the programme really contributes to is general objectives will become an increasingly important task.

[636] In interviews with the author, several policy officers within the DG EAC acknowledged that this was a problem that they were now trying to address, but they also pointed out that a significant financial input would be required before any real progress could be made.

APPENDIX A
METHODOLOGY

The objective formulated at the start of this PhD project, at the end of 2005, was to analyse the objectives underlying EU cultural policy in the present day. At this stage, the final decision on the Culture Programme (2007-2013) was still being debated, and it was decided that it would be most interesting to focus exclusively on the development of this programme in the period between 2000 and 2007, as a clearly delimited period in time that would be of significant interest since it had so far hardly been the subject of academic scrutiny. As observed in chapter 2, of the limited number of studies that exist on the topic of EU cultural policy, most have focused on either symbolic actions undertaken in the 1980s, or on developments in the 1990s. Because of this, a study of the most recent developments in EU cultural policy seemed to be a valuable addition to existing knowledge of the field.

However, once an initial review of existing studies on EU cultural policy had been carried out, it became apparent that much of what had happened in the past decade had in fact been built upon actions with much deeper roots in the history of EU cultural policy. As this thesis has shown, the development of EU cultural policy has been a slow but continuous process that has been characterised not by sudden changes but rather by incremental developments and adjustments. In order to understand how policy has developed in the last decade, it would therefore not be sufficient to treat this policy as if existing in a vacuum. Rather, to make sense of more recent developments, reconstructing the gradual development of policy over time is a much more useful approach as it enables the researcher to uncover motives underlying present-day policy actions that have their origins in earlier but now largely forgotten arguments.

This thesis has thus aimed to give a comprehensive account of the development of EU cultural policy from the 1970s through to the present day, focusing in particular on the objectives driving this development. The methodological approach has been one of archival reconstruction, supplemented, where possible, with oral historical evidence. As such, research has been predominantly desk-based. Much of the historical development has been traced primarily through the analysis of policy documents, supplemented with academic studies and commentaries from as many different sources as possible. In addition to that, valuable insights into the policy process were obtained through a series of semi-structured interviews with policy-makers involved in the development of the EU's cultural programmes. Each of these methods will be briefly discussed below.

Desk research

The desk-based research carried out for this study included the analysis of policy documents and legal texts concerning EU cultural policy, as well as an extensive review of existing (academic) literature on the subject. A preliminary

review of the latter was carried out at the start of the research in order to survey the field of study, thus providing a significant platform for further work, and to determine elements in need of further investigation. As described above, this led to a significant reframing of the direction of the research as a whole. Information collected through this review also served to inform the interview stage of the research.

The secondary material studied came from a wide variety of sources. These included academic publications, reports by think-tanks and consultancies, some of which were carried out on behalf of the European institutions, as well as numerous documents published by the major European advocacy organisations for the cultural sector. Although much of this was explored as part of the initial literature review, these sources have continued to inform the research throughout, and have provided source material in all parts of the thesis. Separate reviews of academic literature on public policy making and EU policy-processes served as the basis for the third chapter, which provides a context through which the process of EU policy-making in the cultural field has been approached.

Throughout the research process, a great number of primary documents were collected. Most official documents of the European institutions are easily accessible, especially if they have been published in recent years. Gaining access to older documents, in particular those relating to events in the late 1970s and early 1980s, is more difficult, as not all of this material is digitally available. However, eventually all relevant official publications could be traced. Working documents, however, have proven significantly harder to find, in particular if they concerned the proceedings within the Council of Ministers. While summaries of Council meetings are available to the general public, these merely contain the outcome of the meetings, thus offering only a very general overview of the debates within the Council. Furthermore, while the deliberations and decisions of the Council are public (at least in so far as they concern topics that fall under the co-decision procedure), the same does not apply to meetings at the lower levels of the COREPER and the working groups. As a consequence, available documents do not reveal much regarding the various positions taken up by the individual countries, but are limited to reflecting the consensus that exists after the debates. To a lesser extent, this also applies to the documentation of proceedings by the Commission and the EP.

Elite interviews

A series of face-to-face interviews with individuals directly involved in the European policy-making process formed a second source of primary information. If carried out properly, these kinds of interviews can be a valuable way of gaining insights that are otherwise difficult to obtain within the public domain, such as explained above. For the purpose of this research, access was sought to representatives of the whole range of actors identified as involved in the development of EU cultural policy, that is, the three main

European institutions (Commission, Council and EP) as well as a number of cultural network organisations active at the European level.

The interviews were only scheduled after a significant amount of desk research had been done, so that they could serve not only to cross-check information found in the primary and secondary documentation, but also more specifically to complement gaps in the existing literature. On the basis of this background study of primary and secondary policy documents, an initial shortlist of key players was drafted. Once possible participants had been identified, their contact details were collected and twenty individuals were contacted via a letter which explained the purpose of the research and requested a short in-person interview. Some were approached directly, but higher-ranking civil servants were contacted through their secretariats. If no reply was received within three weeks, the initial letter was followed by an e-mail of the same content. Fourteen responses were received on a total of twenty letters sent. Two of the civil servants declined to be interviewed, but suggested other subjects instead, who were then contacted. Six potential interviewees did not reply at all, including four members of the EP's Cultural Committee. Of the six MEPs contacted in total, only two replied positively. Unfortunately, due to time restraints an interview could be scheduled with only one MEP.

Personal interviews with a total of fourteen individuals were held in November and December 2007. Additionally, one interview was carried out by telephone in January 2008. A first round of interviews was carried out primarily with civil servants working for the DG EAC, all of which had been involved directly in the development or the management of one of the culture programmes. Through these interviews, EFAH, Europa Nostra and the ECF were identified as the three main cultural lobbying organisations. These were then contacted directly for a second round of interviews, which also involved representatives of the three main European institutions and of the CCPs in the Netherlands and the UK (a full list of subjects is included in Appendix B). Interviews with representatives of the institutions generally lasted 30 to 45 minutes, while most interviews with cultural stakeholders took up to or over one hour. Interviews all followed a semi-structured approach and were based on a series of open-ended questions that could be adjusted to the specific background, experience and expertise of the subjects. An example of the interview protocol has been included in Appendix C.

In general, respondents appeared keen to cooperate. All interviewees were well-prepared and some provided useful additional documentation. In only a few instances requests were made to keep comments off the record, but most appeared to speak freely. The interviews provided a wealth of additional material and were particularly helpful in providing information on intra- and inter-institutional debates that had not been officially documented. However, although some of the participants had been involved in EU cultural policy for a significant number of years, most of the interviews by necessity concentrated on the more recent policy developments, dating back no further than the mid-1990s.

Ethical considerations

As this part of the research involved human participants, ethical approval was acquired prior to the interviews being held. The first letter sent to all possible subjects contained a section explaining the purpose of the research and the procedures regarding confidentiality, dissemination and preservation that were to be followed in accordance with the Data Protection Act (1998) and the ethical standards of the University of Glasgow. At the start of the interview, participants were asked to read and sign a consent form stating their understanding of and agreement with these rules. All participants gave permission for the provided information to be used as background material, but some indicated that they would need to give approval before they could be quoted in the final text. They were also given the option to participate anonymously. Although this option was waived by most, for practical reasons it was decided that quotations would be used without direct reference to their individual sources. With the respondents' consent, all interviews, with the exception of one interview carried out by telephone, were recorded on a digital voice recorder. These recordings were subsequently transcribed verbatim and sent to the subjects for approval, which was given in all cases. Both the original recordings and the transcriptions will remain stored at the University of Glasgow for the purpose of further research.

APPENDIX B
LIST OF INTERVIEWEES

Most interviews were held in person between November and December 2007; one telephone interview was carried out in January 2008. Positions listed below were those held by participants at the time of the interview, unless stated otherwise.

Name	***Representing***	***Position***	***Place and date***
Jean-Michel Baer	European Commission	Director of the Science & Society Directorate, DG Research; former Director for Cultural Action & Audiovisual Policy, DG X; former Director for Culture, Audiovisual Policy & Sports, DG X	Brussels, 6 November 2007
Bernd Biervert	European Commission	Member of the Cabinet of Commissioner Figel' (Commissioner for Culture); responsible for the Culture Programme portfolio	Brussels, 8 November 2007
Geoffrey Brown	EUCLID, Cultural Contact Point for the UK	Director	Glasgow, 3 December 2007
Eléonore de Merode	Europa Nostra	Policy Officer	The Hague, 10 December 2007
Laura Grijns	SICA, Cultural Contact Point for the Netherlands	Policy Officer	Amsterdam, 11 December 2007
Dragan Klaic		Cultural analyst; advisor to the ECF; former director of EFAH	Amsterdam, 11 December 2007
Fabienne Metayer	European Commission	Policy Officer, DG EAC, Unit Cultural Policy	Brussels, 8 November 2007
Nikolaus van der Pas	European Commission	Director-General at the DG for Employment and Social Affairs; Former Director-General, DG EAC	Brussels, 8 November 2007
Sylvain Pasqua	European Commission	Policy Officer, DG EAC, Unit Cultural Policy	Brussels, 6 November 2007
Gaëtan Poelman	Department for Culture, Youth, Sport and Media of the Flemish	Cultural Attaché, representative of the Flemish Community at the Council of Ministers	Brussels, 6 December 2007

	Community		
Alessandro Senesi	European Commission	Acting Head of the Culture Programme Unit, DG EAC	Brussels, 6 November 2007
Daphne Tepper	European Forum for the Arts & Heritage (EFAH)	Policy Officer	Brussels, 7 December 2007
Xavier Troussard	European Commission	Head of Unit Cultural Policy, DG EAC	Brussels, 7 December 2007
Helga Trüpel	European Parliament	MEP, Green Party; vice-chairwoman of the Parliamentary Committee on Culture	Brussels, 6 December 2007
Gottfried Wagner	European Cultural Foundation (ECF)	Director	Telephone, 16 January 2008

APPENDIX C
INTERVIEW PROTOCOL

Ethical considerations

- Permission for electronic recording of conversation
- Explanation of procedures; dissemination of results; storage of interview; anonymity
- Consent form to be signed after interview

Introduction to the research project

- Researcher's background
- Particular focus of project; interviews to focus on recent period
- Potential value of interviewee's contribution: role of institution in process, views on other actors/institutions

Background

- Interviewee's background
- Current function; description of work on daily basis
- Brief description of organisation
- Personal involvement in policy process

Preparation of the Culture Programme

- Reasons for lengthy preparation and decision-making
- Main points of debate; controversial issues
- Main concerns for Interviewee's institution/organisation
- Outcome of the debate

Role of the Commission

- Individuals involved in drafting proposal and their policy level within the DG/Commission
- Involvement of other DGs; involvement of the Cabinet
- Adoption of draft proposal within the Commission
- Main points of internal debate; controversial issues
- Discussion with/consultation of other institutions/sector
- Contacts with EP and Council

Role of the Council

- Main issues of debate between the Member States
- Role of the unanimity requirement in cultural policy-making
- Effect of unanimity on decision-making regarding the current programme
- Contacts with Commission, EP and sector

Role of the EP

- Main issues of debate for the EP
- Internal debate within the EP
- Contacts with Commission, Council and sector

- EP's relative power

Role of interest groups

- Cultural networks that played a major role
- Involvement outside public consultation round (own initiative)
- Relative power of cultural stakeholders
- Shared objectives between sector and institutions

Objectives of EU cultural policy and positioning of Culture Programme

- Main objectives of EU cultural policy and how the Culture Programme fits in with those
- Culture Programme as an instrument to achieve the general objectives
- Differences between Culture Programme and previous programmes
- Reasons for reduction in objectives in comparison with Culture 2000
- Opinion on elements that were left out
- Opinion about criticism of the programme and its objectives as purely instrumental policy directed at promoting identity and the economy

Evaluation

- The success of the programmes
- Criteria used to evaluate and measure effects
- Relation to the general objectives

Future developments

- The future of EU culture programmes
- Discussion of developments since start of 2007 (Agenda for Culture)
- Expectations regarding future developments

End of interview

- Other potential interview subjects to be recommended
- Establish way forward: consent form, transcription of interview, dissemination of findings
- Possibility to contact for further questions
- Thank interviewee and leave contact details

APPENDIX D
RELEVANT ARTICLES IN THE TREATY ON EUROPEAN UNION

'Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community', *OJ* C 321 E/1, 29 December 2006.

Preamble of the TEU

[The Heads of State and Governments of the Union]

RESOLVED to mark a new stage in the process of European integration undertaken with the establishment of the European Communities,

RECALLING the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

CONFIRMING their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

CONFIRMING their attachment to fundamental social rights as defined in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers,

DESIRING to deepen the solidarity between their peoples while respecting their history, their culture and their traditions,

DESIRING to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them,

RESOLVED to achieve the strengthening and the convergence of their economies and to establish an economic and monetary union including, in accordance with the provisions of this Treaty, a single and stable currency,

DETERMINED to promote economic and social progress for their peoples, taking into account the principle of sustainable development and within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,

RESOLVED to establish a citizenship common to nationals of their countries,

RESOLVED to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a

common defence in accordance with the provisions of Article 17, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

RESOLVED to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty,

RESOLVED to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity,

IN VIEW of further steps to be taken in order to advance European integration,

HAVE DECIDED to establish a European Union […].

Article 2 TEU

The Union shall set itself the following objectives:

- to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty,
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence, in accordance with the provisions of Article 17,
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union,
- to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime,
- to maintain in full the *acquis communautaire* and build on it with a view to considering to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while

respecting the principle of subsidiarity as defined in Article 5 of the Treaty establishing the European Community.

Article 6 TEU

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

3. The Union shall respect the national identities of its Member States.

4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Preamble to the EC Treaty

(The Heads of State and Governments of the Member States…)

DETERMINED to lay the foundations of an ever closer union among the peoples of Europe,

RESOLVED to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,

AFFIRMING as the essential objective of their efforts the constant improvements of the living and working conditions of their peoples,

RECOGNISING that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition,

ANXIOUS to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions,

DESIRING to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade,

INTENDING to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations,

RESOLVED by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts,

DETERMINED to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating,

HAVE DECIDED to create a EUROPEAN COMMUNITY […].

Article 2 EC

The Community shall have as its task, by establishing a common market and an economic and monetary union and by implementing common policies or activities referred to in Articles 3 and 4, to promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

Article 3 EC

1. For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein:

(a) the prohibition, as between Member States, of customs duties and quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect;

(b) a common commercial policy;

(c) an internal market characterised by the abolition, as between Member States, of obstacles to the free movement of goods, persons, services and capital;

(d) measures concerning the entry and movement of persons as provided for in Title IV;

(e) a common policy in the sphere of agriculture and fisheries;

(f) a common policy in the sphere of transport;

(g) a system ensuring that competition in the internal market is not distorted;

(h) the approximation of the laws of Member States to the extent required for the functioning of the common market;

(i) the promotion of coordination between employment policies of the Member States with a view to enhancing their effectiveness by developing a coordinated strategy for employment;

(j) a policy in the social sphere comprising a European Social Fund;

(k) the strengthening of economic and social cohesion;

(l) a policy in the sphere of the environment;

(m) the strengthening of the competitiveness of Community industry;

(n) the promotion of research and technological development;

(o) encouragement for the establishment and development of trans-European networks;

(p) a contribution to the attainment of a high level of health protection;

(q) a contribution to education and training of quality and to the flowering of the cultures of the Member States;

(r) a policy in the sphere of development cooperation;

(s) the association of the overseas countries and territories in order to increase trade and promote jointly economic and social development;

(t) a contribution to the strengthening of consumer protection;

(u) measures in the spheres of energy, civil protection and tourism.

2. In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women.

Article 5 EC

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein.

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.

Article 28 EC

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Article 29 EC

Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States.

Article 30 EC

The provisions of Articles 28 and 29 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Article 87 EC

1. Save as otherwise provided in this Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.

2. The following shall be compatible with the common market:

(a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;

(b) aid to make good the damage caused by natural disasters or exceptional occurrences;

(c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.

3. The following may be considered to be compatible with the common market:

(a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;

(b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State;

(c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;

(d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest;

(e) such other categories of aid as may be specified by decision of the Council acting by a qualified majority on a proposal from the Commission.

Article 151 EC

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples,
- conservation and safeguarding of cultural heritage of European significance,
- non-commercial cultural exchanges,
- artistic and literary creation, including in the audiovisual sector.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.

5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 251 and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedure referred to in Article 251,
- acting unanimously on a proposal from the Commission, shall adopt recommendations.

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