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**Culture in the European Union:
From society to policies**

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List of acronyms

ACP:	African, Caribbean and Pacific
AVMSD:	Audiovisual Media Services Directive
CCIs:	Cultural and Creative Industries
CCP:	Chinese Communist Party
CDEC:	Convention on the Protection and Promotion of the Diversity of Expressions Cultural
CETA:	Comprehensive Economic and Trade Agreement
DCI:	Development Cooperation Instrument
DSM:	Digital Single Market
EC:	European Commission
ECJ:	European Court of Justice
ECOC:	European Capitals of Culture
EDF:	European Development Fund
EEAS:	European External Action Service
EEC:	European Economic Community
EHD:	The European Heritage Day
EHL:	European Heritage Label
EP:	European Parliament
EU:	European Union
FTAs:	Free Trade Agreements
GATS:	General Agreement on Trade in Services
GONGOs:	Government-Organized Non-Governmental organizations
NGOs:	Non-Governmental Organizations
PCC:	Protocol on Cultural Cooperation
PCW:	Permanent Council of Writers
SDGs:	Sustainable Development Goals
TEC:	Treaty establishing the European Community
TFEU:	Treaty on the Functioning of the European Union
UN:	United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

VoD: Video on Demand

WTO: World Trade Organization

Introduction

Culture is ubiquitous. It is so much more than the firsts conventional considerations coming to mind that are museums or other traditional cultural expressions. Indeed, culture is expressed into a variety of ways and is felt in our daily lives. We find it in activities that trigger social interaction (festivals, concerts, sporting events…) in technological hubs that foster innovation, art productions (paintings, music, street art…) or in local community centers. It helps to create an aesthetic, an atmosphere and to build a bond in society. It is worth noting that the analysis of globalization does not emphasize the impact of culture in this process. It focuses more on the gains in economy (consumer choice, value chains…) technology (digital innovations, artificial intelligence..) or the threats it generates concerning climate change or the economic sustainability of the current economic model. "This shows a tendency to attribute historical development mainly to economic, technological, commercial, and demographic factors as if ideas, creativity, institutions, and culture have played little role in major global changes"[1].

This could be explained by the fact that culture as a subject possesses a wide spectrum of understanding. The idea of culture rather than being a static concept is a fluid one which is always expanding boundaries. Similarly to ethics, culture is in constant evolution and expressed in any human interaction. Ethics sets in society what is considered as morally correct and as it is constantly challenged, helps to go beyond barriers, what keeps society moving forward as new standards are created. Culture relies on a similar process dealing with values and the way we exteriorize them. Thus, making of culture a subject that can be related to any creation. Indeed, it's about the way people do things which over time, build tradition while new experiences and discoveries allow the expansion of society values. In other words, culture makes us use what is known and projects it into the vision we are trying to build for the future.

The European Union (EU) does not have a cultural policy as such. Its action in the cultural sector has a modest budget[2] and is strictly subordinated to the principle of subsidiarity and fragmented across many areas of intervention and financing systems. The boundaries of cultural policy as a form of public intervention are difficult to establish as it crossovers with other policies. Its uncertain contours are partly a consequence of the elusive nature of culture as an

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[1] Le Gall, A. (2017, July 13). *KEA*. Récupéré sur Cities are driving new cultural policies: https://keanet.eu/opinions/cities-are-driving-new-cultural-policies/
[2] The Europe Creative program has a global budget of €1.46 billion for the period 2014-2020, an increase of 9% compared to the previous year. Following the vote on the new multi-annual budget in December 2020, its funding was further increased for fiscal year 2021-2027. It rises to €2.2 billion, an increase of 36% in the budget. However it only represents 0,12% of the overall EU budget for that period (1800 billion euros).

object. It is indeed a broad and polysemic domain. As defined by authors, on the one hand, it refers to the architectural, artistic and intellectual heritage inherited from the past as well as to contemporary cultural expressions and objects created by artists or produced and distributed by cultural industries. On the other hand, in its anthropological sense, it designates traditions, customs, values, a set of lifestyles and representations[3]. As a result, culture has a dual nature, oscillating between the symbolic and material spheres, between intrinsic value and market value and thus raising for the actors involved in its governance a series of economic, social, or identity problems. The formulation and implementation of a European action in the cultural area thus refers to three types of strongly related issues. First, industrial and commercial issues on a global scale, the importance of cultural goods in trade, especially since the late 1980s. Second, socio-economic issues, since cultural industries, which have considerable economic, symbolic and media weight and professional cultural organizations exert political pressure on government authorities and community bodies. Third, political and cultural issues, insofar as cultural expressions are both possible instruments in the promotion of a European identity and indissociable elements of national, regional or local identities, becoming objects of tension and competition between the actors defending these different identity registers.

Culture as a European issue is therefore at the confluence of different areas of public policy and different levels of governance. It is this multidimensional aspect that this special issue of European policy intends to explore. It describes its purpose as "European cultural policy" as culture can be mobilized and regulated in commercial, industrial, communication or development policies, beyond a cultural policy strictly. As defined by Hawkes, cultural planning is not limited to the process of developing specific public management frameworks for the arts and cultural sector, but it can be understood as the process defining the values on which the whole of public policy planning is built[4]. Having been one of the first to conceive culture as the fourth pillar of sustainable development, Hawkes understands culture as primarily values and aspirations, secondly the processes and means by which these values and aspirations are transmitted and thirdly the tangible and intangible manifestations of these values and aspirations in the world[5]. Thus, according to this author, if culture refers to value systems, one of the most important challenges of governments is to create mechanisms for the development, expression and application of underlying values to the societies they govern. According to Hawkes, the role of culture as the fourth pillar of sustainability would not only refer to the

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[3] Bennett, M. J. (1998). Intercultural Communication: A Current Perspective.
[4] Hawkes, J. (2001). The Fourth Pillar of Sustainability: Culture's essential role in public planning.
[5] Ibid.

creation of a separate cultural policy, but above all to the construction of a framework for reflection on the values to be promoted, which would apply to all public policies[6].

From this standing point, our research will be discussing why and how culture can serve the EU to enhance its objectives and should be acknowledged as a pillar of European policy.

To begin we will take a look at what are the EU goals in terms of cultural policy. This will lead us to give an historical perspective of the role of culture in the EU in order to understand what are the competences and the strategies that have been developed at EU level. The concepts of heritage and diversity as drivers of the EU strategy will consequently be stressed as well as the effect culture plays in fostering the european identity. Indeed, there has been a will from EU authorities to ensure the construction of a strong "Europeanness" through multiple actions since several decades.

After putting into context culture in the EU, we will proceed to an analysis of the impact of culture within EU borders to foster internal objectives. To grasp the value of culture in the EU, we will take a deep look at Cultural and Creative Industries (CCIs) as they possess a consequent economic weight. Furthermore, we will see that they have been challenged by the Covid-19 pandemic since 2020 as they are currently recovering from the shock. To do so, they have to keep adapting to an ever fast and growing world which raise challenges to industries like the book industry, on how to deal with digitalization and what it means for the perennity of classical actors of this sector. In order to keep digging into the interest of a strong role for culture in the EU, we will highlight the connection between culture and a different range of EU internal policies. Thus being, how culture participates in enhancing the EU Green Deal framework and strengthens sustainability, protecting key markets facing huge digital concerns such as the audiovisual one through the principle of "cultural exception" and being a catalyst for local development in cities as they are citizens' closest level of governance.

Following this part, as the EU intends to be and actually acts as a global player, we will analyze the impact of culture outside EU borders to foster external objectives. We will show how culture takes part into the international scope of the EU by being involved in its trade policy through the lens of the audiovisual sector protection or being a tool for development aid. Furthermore, with this wider view taken upon culture, we will end up by putting in perspective EU strategies

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[6] Hawkes, J. (2001). The Fourth… op.cit.

for culture with analyzing another actor of the international scene, China. We will look at what is done there, to gain influence on the global world thanks to culture.

Finally, we will draw some perspectives on what we foresee for culture in the EU. We would like to mention that all along our work, we intend to provide constructive assessments on several points we touch on that can lead to strong recommendations to make the use of culture in EU policies more efficient and valuable. We also have to add that our research has been completed by the interviews, cultural experts granted us, what we are immensely grateful for.

I- <u>What are the European Union objectives for culture ?</u>

A- History of the EU cultural policy

The EU was founded on economic foundations and not on cultural cooperation. It is therefore only progressively that the EU has adopted a policy on this subject, based on the promotion of cultural diversity or cultural heritage. It is worth mentioning that part of the cultural framework that keep organizing cultural action today was set by the Council of Europe, starting from 1949 and preceding any community action.

a) EU competences on culture

Designing a European policy for culture raises fundamental questions about its scope and aims since neither the boundaries nor the content of its subject matter are self-evident. Should this policy promote a common European culture and if so, what is it? Or the diversity of national and local cultures present on the continent[7]? The emergence and definition of Community action in the cultural sector has been and continues to be affected by these issues. Although the EU entered this area of public policy late, it became an influential player and its action which only got a legal basis with the Maastricht Treaty in 1992, actually started much earlier.

For more than forty years, the European Parliament (EP) has multiplied actions and initiatives in the field of culture. It was the first to officially support cultural action. Following the Bonn Conference on 18 July 1961, which prompted it to extend its activities to new areas, the EP played an important role in giving impetus to the matter, considering culture as an essential means of achieving political unity. Drawing on the deliberations of the Hague (1969), Paris (1972) and Copenhagen (1973) summits, on 13 May 1974 it unanimously adopted a resolution[8] calling for action in the cultural field, laying the foundations for Community action. It aimed to curb the impoverishment of European cultural heritage, to restore a certain historical and artistic past by involving public opinion. To this end, it drew up a concrete program which it submitted to the EC for action.

Five years later, it adopted a resolution[9] in which it formally supported Community action in this field and stressed the need to ensure its financial resources. In 1983, the Committee on

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[7] Bonet, L., & Négrier, E. (2011). The End of National Cultures ? Cultural Policy in the Face of Diversity. International Journal of Cultural Policy, pp. 574-589.
[8] European Parliament resolution on the application of the Convention Concerning the Protection of the World Cultural and Natural Heritage in the Member States of the European Union (2000/2036(INI))
[9] Resolution adopting the opinion of the EP on the communication from the Commission to the Council on Community action in the cultural sector, adopted on 18 January 1979, OJ C 62, 30-5-1974.

Youth, Culture, Education, Information and Sport drew up a report on "strengthening Community action in the cultural sector" as envisaged by the EC. With this approval, the EP marked a decisive step forward in its involvement. It also set out the reasons for this action for the future of Europe, and defined how it would be implemented. Cultural action must be high, according to the report, "among the policies of Community intervention, giving it the same importance as for others". Finally, in 1991, the Maastricht Treaty involved it even more in the elaboration of the Community's cultural action, providing through Article 151§5 EEC for a Council-Parliament co-decision procedure.

The EC, encouraged by the EP and by the Heads of State or Government at the Hague Summit (1969), Paris (1972), and Copenhagen (1973), took an interest in culture through various communications in 1977 and 1982, 1987, 1992 and, finally 1994 after the signing of the Single Act. "Aware of the difficulties inherent in such action – lack of a specific legal basis in the European Economic Community (EEC) Treaty, different approaches and reluctance on the part of certain Member States towards cultural competence at Community level, concept of culture and content of actions – the Commission did not commit itself to cultural action until late, and made it clear from the outset what it meant by the cultural sector."[10] Today, it provides financial support to cultural projects via the EUROPE CREATIVE program[11].

It was not until twenty-five years of Community activity that the first formal meeting of the Council of Ministers of Culture, took place on 22 June 1984. This was an historic meeting as it gave the Ministers of Culture the institutional status within the EU[12]. The Council therefore held two meetings a year and dealt with a large number of issues. In this respect, the entry of Spain and Portugal in 1986 strengthened a favorable position for Community cultural action, counterbalancing the chill of other States. These annual meetings are responsible for a number of emblematic actions, including the European Capitals of Culture (ECOC) event since 1985 or the European Cultural Month, but above all, they are an attempt to organize cultural action. Various resolutions, conclusions, decisions or directives were adopted to this end. Notable examples include the Directive of 3 October 1989 on the coordination of certain provisions relating to television broadcasting activities, as amended on 30 June 1997. The Directive of 15 March 1993, on the return of cultural property unlawfully removed from the territory of a Member State or on the 1992 Regulation 42 on the export of cultural property. The

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[10] Flamand Levy, B. (2004). Les compétences culturelles de la communauté européenne. Aix: PUAM.
[11] The budget for the period 2021-2027 stands at 2.2 billion euros
[12] Prerogative given to other Ministers by the EU for 25 years

Single Act and Article 151 of the Treaty establishing the European Community (TEC) further strengthened the role of the Council by requiring unanimity. Since then, the Council has had the power of life and death over each cultural project, with each minister being able to impose his veto.

The TEC signed in Maastricht on 7 February 1992, conferred cultural competence to the EEC for the first time and incorporated it into various texts. The Preamble already mentions the will of the Member States to take a new step in the process of European integration and to deepen solidarity between people with respect for their history, their culture, and their traditions. Article 3p also mentions "a contribution to quality education and training and to the development of the cultures of the Member States", but it is essentially Article 128, which later became Article 151, which lays down detailed rules for Community assistance in this field. There are four main axes:

• contribute to the development of the cultures of the Member States (§ 1),

• encourage cultural cooperation between them (§ 2),

• promoting international cultural cooperation (§ 3),

• and finally, taking cultural aspects into account in action under other policies (§ 4).

According to the terminology of Article 151§2 and §3 of the TEC, the direct cultural competence of the community consists of cultural cooperation, which "consolidate, support the initiatives of States in order to strengthen the guarantees provided by them for the benefit of their own cultures (…) the power of initiative of States is intact". In fact, the EU's cultural competences are complementary and coordinated (151§1), whereas in international relations they are exercised jointly or in parallel with the Member States (§2). We are talking about cooperation between Member States (151§2) and cooperation with third countries and organizations competent in the field of culture (151§3). It is therefore only a secondary role, with very limited skills. The EU's only real cultural competence lies in external action, its areas of intervention being:

• Improving the knowledge and dissemination of the culture of the European peoples

• Conservation and safeguarding of cultural heritage of European importance

• support for non-commercial cultural exchanges

• Encouraging artistic and literary creation, including in the audiovisual sector

• promoting cultural cooperation with third countries and organizations as well as competent international bodies, in particular with the Council of Europe.

The EU's cultural policies are subject to cross-cutting integration, integrated into various economic, social, educational and sometimes even diplomatic programs, and whose main characteristic is undoubtedly the very absence of a policy and means of its own. Thus, and as we will see in the second and third parts of our research, culture is diffused into a range of EU policies, creating a giant web of cultural actions, benefiting from the means of specific EU policies and are therefore governed by different actors.

The principle of subsidiarity regulates the European field of action in culture. "As a principle governing the allocation of powers, subsidiarity presupposes a multi-stage system of social and political organization"[13]. In the political context, it was often associated with federalism, with powers divided between federations and constituent entities. Transposed into the EU framework, it must "guide" any new allocation of competences and the exercise of these competences, but under certain extremely restrictive conditions[14] for the EU. Article 151 of the Treaty on the Functioning of the European Union (TFEU) insists on this principle of subsidiarity, provided for in the general provision, by Article 5§2 of the TFEU. A specific provision therefore lays down the role of the EU and specifies the relations between the EU and the Member States, within which culture is the responsibility of decentralized authorities or federated entities. But what exactly does this principle of subsidiarity consist of?

The notion of subsidiarity is closely linked to that of proximity. The principle of subsidiarity, which guarantees the autonomy of local authorities, also protects diversity by preventing everything it can achieve from a level of power that is close to its citizens, in the interests of efficiency. The objective of proximity implies the preeminence of cultural competences at the level of local authorities. They intend to continue their recognition within the EU institutions."[15] In concrete terms, this means that in all Member States, cultural competences are the responsibility of the local authorities closest to the citizens, namely the regions and the municipalities. The creation of the Committee of the Regions has been a significant step towards institutionalizing the presence of the regions in the EU decision-making process. This explains the subsidiary nature of EU competences and the preeminence of local authorities.

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[13] Flamand Levy, B. (2004). Les compétences…op.cit.
[14] Cf. Article 5. It is only exercised if there is a lack of State action, and if Community action guarantees greater effectiveness.
[15] Flamand Levy, B. (2004). Les compétences…op.cit.

b) Forms of cultural action in the EU

Presented both as a legacy and as a goal to be achieved, a common European culture has become the principle of legitimizing a unified Europe and the subject of European cooperation and public policy. Two international organizations have played a structuring role in this field: the Council of Europe and the EU. While the Council of Europe has had cultural competences since its creation in 1949, the EU[16] has gradually gained them since the 1970s. These two organizations, with their very different functioning and objectives, had to forge concepts and practices to grasp an object with vague and controversial boundaries that culture is. Although the Council of Europe and the EU have abandoned the need to give a stable and unequivocal definition, through the adoption of texts and the implementation of various actions, they have nevertheless drawn the shifting contours of a culture considered common to all their members.

The Council of Europe like the EU first highlighted a European "high culture"[17]. However, in accordance with his role as defender of rights (political, social, economic) which it gradually affirmed, it very quickly sought to promote the diversity of cultural expressions, minority cultures and cultures on geographical or social margins. On the contrary, the aspiration for greater political integration based on a common historical and cultural basis, which has inspired from the outset the promoters of EU cultural action has led to a long-term preference for a culture heritage despite a slow diversification of content. In that regard several policies have been set up to foster cultural heritage. Among them:

- The European Heritage Day (EHD) is the most widely celebrated participatory cultural event for European citizens. Following independent pilot programs in EU countries, the EC launched a European-wide initiative in 1985. In 1999, the EU joined the Council and formulated a joint action that has continued to this day. The EHD event held in September each year often referred to as the Open Heritage Day or Open Door Day is held in all signatories of the European Cultural Convention . These activities allow access to a large number of buildings and other locations, many of which are either open to the public or can only be accessed through private arrangements. In many countries,

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[16] In that period and until November 1st 1993 it was still the EEC but for facilitating measure we will use EU
[17] "High Culture" includes artistic and architectural heritage, masterpieces and avant-garde creation whereas the so-called popular or minority cultures have an anthropological approach that encompasses the ways of living and thinking specific to a social group. Fabiani, J.-L. (2003). Peut-on encore parler de légitimité culturelle ? . Dans O. Donnat, & P. Tolia, *Le(s) public(s) de la culture. Politiques publiques et équipements culturels* (pp. 305-317). Paris: Presses de Sciences Po.

sites that are usually open to paying visitors can be accessed for free during EHD weekends. There are more than 20 million participants every year.

- The ECOC is probably the large-scale cultural initiative of the EU that benefits of the most notoriety, even worldwide. It encourages and honors EU's rich cultural heritage, stresses their common characteristics and nurture the weight of culture on urban society and the economy. Every single one cities that were attributed the title of "European Capital of Culture" have TO set a particular program that embodies the cultural roots of the city, often through artistic creations. Concerning the budget awarded by public fund (at the local, regional and national scales) for the ECOC, it has gone in recent years from 20 million euros to more than 80 million euros.

- The European Heritage Label (EHL) is granted to places with symbolic meaning and their role in European History and culture or the construction of the EU. It is the latest EU initiative fostering EU cultural heritage. It was initiated by the Decision 1194/2011/EU of the European Parliament and the Council and came into force by November 2011. This inter-governmental process led to grant the label to 64 historic venues including Athens' Temple, Gdansk Port in Poland or Robert Schumann's former residence in France. This award is considered as a way to improve Europeans' awareness of European integration. It also enhances European cultural tourism by helping the younger Europeans to get a grasp on their cultural heritage and common history.

- The "EU Cultural Heritage Award/Europa Nostra Award" honors great initiatives dealing with cultural heritage that are categorized from the restoration of buildings and their adaptation to new uses, to urban and rural landscape rehabilitation, archaeological site interpretations, and care for art collections[18].

Since 2014, the Culture, MEDIA and MEDIA Mundus programs have all been combined into a single program: CREATIVE EUROPE. The objective of this cross-cutting program is to

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[18] (Ministry of Culture (MoC) of the People's Republic of China and DG Education and Culture (EAC) of the European Commission, 2015)

support job creation and improve the contribution to the growth of European cinema as well as the Cultural and Creative Industries (CCIs). This new framework has allowed the distribution of grants to support film development, training and distribution, as well as the launch in 2016 of a loan guarantee fund to facilitate access to loans for the cultural and creative sectors. According to the new priorities of the cultural program defined during the negotiations for the period 2021-2027's funding, CREATIVE EUROPE will encourage music and literary translation, women artists, as well as the inclusion of disabled and socially marginalized audiences.

B- Culture as a driver for shaping identities in the EU

Edgar Morin had defined the European identity, in a Europe that always evolves, as a movement of diversities towards unity, and vice-versa. The following questions should therefore be raised: how has this European identity evolved ? How could it position itself between Europe and the EU ? Indeed, today when we talk about Europe, we are referring to the EU. Thanks to its continuous process of enlargement, past and future, the EU "benefits" from a connotation that sometimes goes beyond its institutional borders. We observe the same phenomenon in the ambiguity of everyday language which erases the difference between Europe and the EU, to the benefit of the latter which holds a kind of linguistic monopoly.

a) Defining the European identity

The concept of European identity itself is confusing[19]. Juan Diez Medrano, a Spanish sociologist identified three recurring problems in that regard. First, he observed a lack of conceptual clarity between the interpretation of citizens' behavior in referendums on European treaties and support for European integration and identification with Europe. In this sense, the studies of Eurobarometer's have shown that citizens are able to support European integration while remaining firmly attached to their nation. Secondly, he noted a confusion between the different dimensions of the European identity. The concept of European identity is too broad and lacks precision. According to him, it would be relevant to distinguish identity as a Member State, identity as attributes relating an individual to a community and identity as a degree of group identification. Thirdly, he noted the difficulty of understanding the real meaning that citizens give to the idea of identification with Europe. For example, it would be interesting to

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[19] Diez Medrano, J. (2010). Unpacking European identity . *Politique européenne*, pp. 45-66.

see whether the concept of European identity is perceived in the same way by those who ask the questions and those who answer them during Eurobarometer's processes. In addition, studies on that topic seek to identify the European dimension as a central identity aspect among citizens. But finally, Juan Diez Medrano notes that few people claim to be European before anything else.

Similarly, Viktoria Kaina and Laura Cram apply the theory of the multidimensionality of Tajfel[20]'s collective identity to the European context. According to these two authors, the cognitive (self-categorization as a member of the "European" group) and emotional (feeling of belonging to Europe) dimensions exist. Nevertheless, they stress that individuals can feel they belong to Europe without feeling European, and conversely[21]. Most research on European identity uses Eurobarometer's but the question which interrogates respondents about their feeling of being European does not take into account the emotional dimension of identification or the subtlety highlighted by Viktoria Kaina and Laura Cram. Defining the European identity must therefore be done with many nuances.

The European identity, is above all political concerns and is part of the desire to ensure political stability on the European continent. The project of European construction is not a federalist project based on the ruins of Catholic Europe and does not aim to defeat nations but aspires to the transformation of relations between the Member States. The enlargements that have punctuated the history of the EU are not the fruit of civilizational affinities but pragmatic choices driven by geostrategic and economic interests. However, in the face of the EU's growing lack of legitimacy, it is no longer enough to base the integration process solely on a political identity. Economic issues and geostrategy are too technical and far from the everyday lives of citizens to have a unifying impact. Although the EU has a clear influence on the lives of European citizens, offering them the opportunity to study, live and travel abroad easily, it lacks legitimacy today. The principle of indirect democracy whereby European decision-makers are appointed by national governments is no longer sufficient to guarantee EU's visibility and legitimacy, especially since the rights and facilities allowed by the EU are sometimes little known and little used. It was therefore discussed that the concept of European citizenship should be included in the texts in order to bring European citizens together around

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[20] Theory stating that people have a need to belong to a group and clearly distinctive themselves from other groups. See Social identity theory Tajfel (1981)
[21] (Kaina, 2013)

common values and interests. European policymakers therefore seem to want to resort to a civic and cultural identity around which all European citizens would form a "we".

Despite that European values converge around a certain universalism, seeking to identify a European core is problematic but the idea of a European identity must not be given up. Finally, the European identity, the cultural unity of Europe, means considering the plurality and advantages of different regional, national, religious and cultural identities. The cultural identity of Europe must not be achieved by the erasure of the particular cultures of the Member States. The European identity is not an exhaustive list of names, places and ideas but rather the adoption of a common attitude to diversity.

Marjorie Jouen and Nadège Chambon point out in the texts setting the European project, the existence of an «external European identity» as the affirmation of an identity vis-à-vis the outside always associated with a precise lexical field: defense, security, peace. But they also observe the premises of an identity as an expression of a common project: the construction of Europe which, since 1951 has been carried out around peace, economic and social progress, democracy and human rights[22]. The idea of a European identity as a community of values appeared in the early 1970s with the Copenhagen Declaration[23]: "This variety of cultures within the framework of the same European civilization, this attachment to common values and principles, this rapprochement of conceptions of life, this awareness of having specific interests in common and this determination to participate in the construction of Europe give the European identity its original character and its own dynamism."[24] This followed the first oil shock of October 1973 and the inability of the Member States to cope with it together. It reflected the recognition of "common interests on the international scene" by each one of the Member States and the need to "repoliticize" the EU by going beyond a mere economic community. But is also a "signal of existence vis-à-vis the outside"[25].

In 2000, the "Charter of Fundamental Rights" was promulgated, giving the EU common values and integrating European citizens' initiatives. In the same year, the EC launched a new motto supposed to define the EU: "Unity in diversity". This polarization around the concept of unity and diversity can be found in community policy. Therefore, social policies and European social models show solid ambitions, while community cultural policies reflect the continued diversity

[22]Jouen, M., & Chambon, N. (2006). *L'identité européenne dans les textes communautaires.* Brussels.
[23] Ibid.
[24] Ibid.
[25] Catala, M. (2009). La communauté européenne à la recherche de son identité. De l'Europe des citoyens à la citoyenneté européenne (1957-1992). *Relations internationales*, pp. 83-101.

within the EU[26]. After the failure of the constitutional treaty referendum in 2004, the Lisbon Treaty in 2009 shelved the idea of strengthening European symbols but still reaffirmed the concept of a specific EU identity and the "citizen rights of citizens"[27] that it should be recalled has been implemented without citizen's consultation. As a result, despite all these efforts nothing has yet ensured citizens' sense of belonging to the EU, as the dropping participation rate in European elections can testify[28].

The European identity seems necessary for the integration process to be more effective. If defining this identity is complex, we could summarize and simplify the problem by saying that it is the meeting point between two levels of interaction: "the community", the writing of narratives on the history of Europe by the institutions themselves, political organizations, academics, the media and certain members of civil society and "individuals" themselves who, on a daily basis, permeate these narratives by completing and transforming them. In practice, without a doubt, European decision-makers must put an end to the idea of imposing a European identity as the central identity of the individual. Belonging is an evolutionary process and the EC must play with this dynamic: use local actors, communicate with citizens in their language, agree with their reality. Europe is a too abstract a concept, marked by diversity, which no longer makes sense, but if the European institutions manage to revive it by adding closeness to the citizens and addressing each of them according to their own experiences, a positive change could occur. European diversity must be a strength, not a handicap. While the sense of belonging to the EU is evolving, in one sense or another, things can still change.

b) Actions fostering cultural Europeanness

Since the Copenhagen Summit held in 1973 where the Heads of State or Government of the future Nine members[29] of the European Community claimed their desire to introduce the concept of European identity into their common external relations, the topic of European cultural identity was at the core of the questions of Europe's leaders. The debates surrounding the adoption of a «European Cultural Charter», which became a simple «European Declaration on Cultural Objectives» in Berlin in 1984 highlighted both the value of this topic and the struggles for Europeans to set its contours and content. Nowadays, the concepts of culture and identity are often associated with each other. While these concepts have common boundaries,

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[26] Jouen, M., & Chambon, N. (2006). *L'identité…* op.cit.
[27] Catala, M. (2009). La communauté européenne… op.cit.
[28] See at https://www.europarl.europa.eu/election-results-2019/en/turnout/
[29] UK, Ireland and Denmark were about to join the six founders (Benelux, France, Germany and Italy)

they cannot be confused. Culture is much more the sphere of social action, whereas identity is rather linked to the sphere of belonging. While the former refers in large part to unconscious components which have constituted it as a system, the latter, identity, seems to be rather based on symbolic oppositions between systems, which are therefore more conscious. In order to engage a common process towards Europeanness[30] initiatives ensuring cultural diversity have been conducted.

Looking at the information provided by EU reports[31] on the actions or programs that have fostered unity and diversity in the EU the following ones deserve to be stressed:

- Since its launched 1991, the MEDIA program has invested more than EUR 2.5 billion in European creativity and cultural diversity. Every year, MEDIA funds approximately 2,000 European projects, from various cultural industries (films, television series, video games…). Four of the winners of the Oscar for Best Foreign Language Film since 2013 and eight of the films awarded the Palme d'or at the Cannes Film Festival since 2007 have benefited from the MEDIA program. The MEDIA program also supports an average of 1,900 artists and technicians through their training component, 450 pre-production films and 60 television productions. Moreover The MEDIA program supports the transnational distribution of more than 400 films a year. Finally it provides economic benefits as for 1 EUR invested in the Europa Cinemas network, 13 EUR are generated through the increased audience.

- The Culture program funds the ECOC that presented previously (see I.A.b), which has become a laboratory for local cultural development since 1985. Parallelly between 2014 and 2016, it has funded more than 1,500 translations, representing the sale of 1.4 million translated books in the EU.

- Since 1993, the channel Euronews has been providing an international coverage of news from a pan-European view. The channel has been broadcasted in nine EU languages

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[30] The feeling and defining for an individual as a European
[31] EUROPEAN COMISSION. (2017). *Strengthening the European identity through education and culture.* Brussels.

(DE, EL, EN, ES, FR, HU, IT, PL, PT). Concerning its funding, the EU has participated at a skate of 36% (around 25 million euros per year).

Looking behind us, the notion of diversity finds its origin in certain reflections animated by UNESCO in the 1960s. It is found in a succession of texts such as the Declaration of Principles of International Cultural Cooperation of 1966, the Convention for the Protection of the World Cultural and National Heritage of 1972, the conclusions of the 1982 Mexico Conference or the recommendation on the safeguarding of traditional and popular culture of 1989. It continued its journey until the adoption in 2001, of the Universal Declaration on Cultural Diversity and the signing, in 2005, of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions by a large majority led the EU which had taken the initiative of a "global alliance for cultural diversity"[32].

In the EU, this concept replaced that of "cultural exception" in the 1990s. According to this principle, a film or a book can as any other goods be the object of a trade but because they are also and above all the supports of values, meaning and representations that define political and cultural identities. For these reasons they are therefore not "goods like any other". Consequently, special rules may be applied to them which derogate from the laws of the market and are the responsibility of the States.

As Anne-Marie Autissier pointed out, "according to the register of values used, the word "cultural diversity" appears in turn as the best ally of trade, the pretext for imposing retrograde uses, support for artistic plurality, consideration of anthropological diversity…"[33]. The scope of understanding of the term is much in its discursive success at the risk of a dilution of the concept and a weakening of its operative scope. The author also believes that the policy of recognizing cultural diversity stops at the door of non-European cultures. The major obstacle would be "the paradigm that has underpinned national policies since the 19th century: a state would correspond to a territory, a majority language and natural affinities…. There would be a coincidence between a community lived in the citizen sense and a community lived in the cultural sense."[34] As she also points out how we cannot talk about cultural policy without giving a concrete place to cultural diversity, since we are all at the crossroads of several cultures, European or not. It is the consideration of this new dimension that is currently lacking in

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[32] UNESCO. (2010). *La Convention de l'Unesco sur la protection et la promotion de la diversité des expressions culturelles. Premier bilan et défis juridiques.* Paris: Collection de l'UMR de droit comparé de Paris.
[33] Autissier, A.-M. (2016). *Europe et Culture : un couple à réinventer ?* Toulouse: Éditions de l'Attribut.
[34] Ibid.

national policies: an openness that leads ultimately to accept non-European minority expressions and to take them into account alongside the dominant model[35].

As a result, it is reasonable consider that enhancing culture in the EU has been better achieved through others EU policy fields, what we are going to see from now on.

Assessment 1: That first part offered us an overview of how Culture has been treated by EU institutions and the meaning they granted it or at least tried to. It is obvious that progress needs be done in the way cultural action is transmitted to EU citizens in order to make of EU citizens a real community. The key to that might be improving how EU institutions deliver their message and to do it in a way that really connects with the EU population. In this sense, using more intermediary actors such as social activists, Non-Governmental Organizations (NGOs), or platforms like social media in order to foster interaction with citizens on a field they are comfortable on as well as to involve more people. Also NGOs are often already politicized or even made aware of the European project while having an important local anchorage and direct contact with parts of the population further disconnected from the technicalities of the European political project, which is valuable. By adapting and renewing its communication flows, the EU institutions actions could gain in visibility, efficiency, approval and have a voice to be listened by, citizens who would see in them a real opportunity to improve their daily lives.

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[35] Ibid.

II- The impact of culture inside EU borders

A- The development of the Cultural and Creative Industries

According to the EU definition "cultural and creative sectors" concerns "all sectors whose activities are based on cultural values and/or artistic and other creative expressions, whether those activities are market- or non-market-oriented, whatever the type of structure that carries them out, and irrespective of how that structure is financed. Those activities include the development, the creation, the production, the dissemination and the preservation of goods and services which embody cultural, artistic or other creative expressions, as well as related functions such as education or management. The cultural and creative sectors include inter alia architecture, archives, libraries and museums, artistic crafts, audiovisual (including film, television, video games and multimedia), tangible and intangible cultural heritage, design, festivals, music, literature, performing arts, publishing, radio and visual arts"[36].

a) The economic impact of CCIs

CCI's have a consequent weight in the EU economy. According to recent data we collected[37], with revenues estimated at 643 billion euros and a value added generated of 253 billion euros for the year 2019 (*see Graph 1 in Annex*), the CCIs represented 4.4% of EU GDP in terms of turnover. In fact, a higher economic contribution compared to telecommunications (277 billion), for example. By the end of 2019, around 7.6 million people in Europe were working in the cultural and creative economy. The sector had created more than 700,000 jobs in 7 years representing a 10% increase, including authors, performers and other creative professionals. Over the period, almost every CCIs sector continuous grew, even if at different pace. More than 4% per year for video games, advertising, architecture and music, between 0.5% and 3% for audiovisual, radio, visual arts, performing arts and books. Only the press saw its activity decline of 1.7% mainly due to a difficult transition to digital.

The cultural economy is a powerful export and outreach lever for the EU, with exports of cultural goods accounting for more than €28.1 billion in 2017 what represented 1.5% of EU exports. The European trade balance for cultural goods is in surplus by €8.6 billion in 2019, comparable to the food, drink and tobacco sector (€9.1 billion in 2018). The cultural economy

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[36] EUROPEAN COMMISSION. (2018). *REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Creative Europe programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013.* Brussels.

[37] EY. (2021). *Culture for rebuilding Europe The Cultural and Creative Economy Before and After the COVID-19 Crisis.* Brussels.

is based on a dense and rich fabric of entrepreneurial structures. Indeed, more than 90% of ICC enterprises are small or medium-sized enterprises and freelancers make up 33% of the workforce twice as many as in the entire European economy (14%).

Nevertheless, CCIs' products have in common a characteristic quite peculiar for industrial products: the probability of profit is negative. Statistically, a film, a record, a book are more likely to make the publisher lose money than to make him win it. Why is it that producers and publishers continue to exist? This is because revenues from success are so multiplied in relation to cost that they repay and beyond losses incurred on the average of other products[38]. This hugely successful advantage which has just increased sharply with the multiplier power of television and radio programs as promoters of stars and authors of films, records and books, leads to research. Indeed, CCIs are built differently when compared to other economic sectors. "Public cultural institutions and big private players alike rely on an interconnected and interdependent network of freelancers and micro-firms which provide creative content, goods and services"[39]. This unique setup is indispensable to the sector and its structure viability is endangered by a loss of revenue opportunities. The OECD report (*Culture shock: COVID-19 and the cultural and creative sectors*) provides us useful complementary information as follow.

CCIs are uncharacteristically in the global industries' economy using a high share of non-standard form of work contracts. They have been a precursor user before these forms expanded elsewhere. "To a large extent, professionals in these sectors are organized as self-employed or as micro-companies"[40]. For example, according to Eurostat[41], in the EU the percentage of self-employed in cultural employment is at least double that observed in total employment, and in some countries the self-employed account for almost half of all cultural employment (48% in the Netherlands and 46% in Italy in 2018[42]). The Ile-de-France region in France is home to 36% of French's cultural establishments. Of the 161 000 establishments primarily engaged in cultural activities in the region, 90%[43] of them had no employees in 2016 (compared to three

[38] Vlassis, A. (2014). Le numérique, nouvelle frontière de la gouvernance mondiale des industries culturelles? *Revue de la Faculté de Droit de l'Université de Liège*, 284-300.

[39] OECD. (2020). *Culture shock: COVID-19 and the cultural and creative sectors.* Paris.

[40] Ibid.

[41] Eurostat. (2020). *Culture statistics - cultural employment*. Récupéré sur Eurostat: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Culture_statistics_-_cultural_employment

[42] OECD. (2020). *Culture shock:…* op.cit.

[43] Ibid.

out of four in all economic sectors). This means that the majority of those employed in CCIs (artists, individual entrepreneurs or licensed professionals) is self-employed[44].

Consequently to these industries specificities, such forms of employment bring multiple question on the table. A main one is the lack of income support for the cultural workers as they don't fit the schematical support system put in place by governments as CCIs actors are tied with cultural institutions. Another one is the lack precision of data collection as they don't fully capture the CCIs employment volume.

Moreover, we can highlight the different business models we find in CCIs. Indeed, they vary between not-for-profit and public institutions (museums, libraries) to large for-profit players (Netflix, Spotify). For the larger share of CCIs generating profit is not core objective but rather an intrinsic one coming in support of the production of creative content and ensuring the perennial presence in the business. "For many of them, intrinsic motivation and personal satisfaction from the completion of their creative tasks are important additional drivers of their work"[45]. This is explained by the fact that cultural and creative businesses are set on unique skills, networks or slogans which constitute intangible assets. As a result, they raise a certain level of uncertainty with them that lead to difficulties in terms of financing creative projects by financial actors as they lack the tools to value these intangible assets. In addition, CCIs businesses also struggle with accession of innovation supports. Despite being an important generator of innovation[46] they have to use alternative ways like crowd-working to do so. "As innovation is often perceived as a technological innovation, the cultural and creative sectors are often overlooked or excluded from initiatives designed to promote innovation"[47].

The cultural ecosystem brings together different elements of CCIs and other departments to mutually enhance their performance. The division of art and culture into neatly separated sectors, such as commerce, the third sector, amateurs, and subsidies, ignores the relationship between them and the way the commercial sector communicates with other sectors in the ecosystem. The ecosystem approach is linked to the work of clusters and agglomerations, and emphasizes the B2B connection between the commercial part of the creative sector and other

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[44] INSEE. (2020). *L'Île-de-France, première région française de l'économie culturelle*. Récupéré sur INSEE: https://www.insee.fr/fr/statistiques/3535510
[45] OECD. (2020). *Culture shock:…* op.cit.
[46] They are also important suppliers of ideas for other sectors through technological cross-overs and business-to-business linkages (e.g. the so-called "serious games", which build on formats and tools developed in the CCS field: gamification of learning processes, such as training of airline pilots or surgeons, or of therapeutic strategies such as provision of cognitive stimuli to Alzheimer patients).
[47] OECD. (2020). *Culture shock:…* op.cit.

companies that can promote local innovation. An example is the "converged" digital, technology and creative companies that combine creative art and design skills with technical expertise and are often associated with growth. There is also a connection between the non-profit and commercial parts of CCI. The non-profit cultural sector acts as a research laboratory for commercial enterprises, and public funds enable them to take risks with creative content and ideas. One example is the role of cutting-edge visual arts and experimental cinema in generating innovations quickly adopted in advertising, mainstream cinema and entertainment, or design of retail spaces. The diminishing share of non-commercial parts of the sector due to the current crisis and expected reductions in public funding over the medium term, might alter these collaboration dynamics[48].

Assessment 2: The dynamic involving multiple CCIs in creating innovative solutions must be encourage as sectoral innovations can be exported to a different sector and have impact on a wider scale. In this regard, to foster innovations in CCIs the EU should dedicate a budget to CCIs actors which could receive such grants after presentation of an innovative concept, project or product, on a similar basis to the calls in place in other domains. It is worth noting that the latest EU innovation funding program, Horizon Europe does not set investment for CCIs' innovation as part of its 5 priorities (Adaptation to climate change including societal transformation, Cancer, Climate-neutral and smart cities, Healthy oceans, seas, coastal and inland waters, Soil health and food).

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b) CCI's battling with the Covid pandemic

The Covid-19 pandemic has impacted CCIs heavily. Mainly the venue-based sectors like museums, performing arts, live music, festivals, cinema, took the biggest hit due to social distancing measures. The unexpected loss in revenues has put in danger the CCIs financial sustainability what has led to decreased wages or has impacted value chains. Only online content platforms emerged unscathed by the lockdown period with a demand increase that has largely benefited the largest firms (Netflix, Disney, Amazon…).

Data[49] shows that in 2020, the European cultural and creative economy lost about 31% of its turnover making of the CCIs one of the most affected sectors by the pandemic. The total

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[48] OECD. (2020). *Culture shock:…* op.cit.
[49] EY. (2021). *Culture for rebuilding Europe…* op.cit.

turnover of the CCIs in 2020 collapsed by nearly 199 billion euros compared to 2019, reaching 444 billion euros according to estimations. While air transport is the sector most in need, the CCIs experienced higher turnover losses than other key sectors of the European economy, namely tourism and the automobile sector (-27% and -25% respectively). The shock waves of the COVID-19 crisis are felt in all cultural and creative sectors: live entertainment (-90% between 2019 and 2020) and music (-76%) are the most affected; graphic arts, architecture, advertising, books, The press and the audiovisual sector are facing sales declines of -20% to -40% compared to 2019. Only the video game industry seems to be holding up well with a growth of around 9% in sales. All sectors are affected, including those that have been able to reach their audiences through digital solutions or e-commerce. Experience still occupies a fundamental place in the economic model of the entire creative economy, which today sees its capacity to produce and develop new content highly threatened.

Moreover, consumer spending on online content, services and works does not compensate for the loss of revenue due to lower physical sales (for books, the press, CDs, etc.) and physical events in most sectors. In the music sector, physical sales (CDs, vinyl) fell by 35%, while revenues from digital exploitation of works grew by only 8%. The same trends can be seen in the audiovisual sector, particularly cinema, with a 75% drop in cinema revenues in Europe in 2020 as the data collected suggests us[50]. As a result the ability of CCIs to maintain investments in new creative and innovation projects might be threatened for the foreseeable future.

The pandemic could definitely have a long lasting impact on CCIs on multiple levels. The reduction of activity caused by investment and demand shocks by lowering the size of the industry would for example increase inequalities in cities. Indeed, "the impoverishment and downsizing of the cultural and creative sectors would have a negative impact on cities and regions not only in terms of direct economic and social impact but also in terms of well-being, the vibrancy of cities and communities, and cultural diversity"[51].

An investment shock could affect the volume of cultural production. According to a survey undertaken by the German Network Promoting Creative Industries and The National Association Creatives Germany[52], creative firms and professionals anticipate a drop in investment that will impact on cultural production in the months to come. The OECD has also

[50] EY. (2021). *Culture for rebuilding Europe…* op.cit.
[51] OECD. (2020). *Culture shock:…* op.cit.
[52] German Network Promoting Creative Industries and The National Association Creatives Germany (2020) PCI: Promoting Creative Industries - Corona pandemic: it affects the cultural and Creative industries in three waves.

reported that "the cancellation of festivals, trade fairs and other similar events where artists, writers, film-makers, software designers etc. sell their work and conclude deals for future production means that the effect of this loss of investment will only be felt in the months to come"[53]. In addition, "artists that were unable to sell their production due to cancellation of events will not receive any copyright revenue in the year to come and thus will have reduced funds to invest in new production"[54].

The pandemic has exposed the fragility of some CCIs actors and stressed the need to pursue its adaptation to the new economic reality. In this regard, the sector has been innovative thanks to digitalization. Indeed, "massive digitalization coupled with emerging technologies, such as virtual and augmented realities can create new forms of cultural experience, dissemination and new business models with market potential"[55]. To foster innovation in the cultural sector "there is a need to address the digital skills shortages within the sector and improve digital access beyond large metropolitan areas, with the additional consideration that digital access does not replace a live cultural experience or all the jobs that go with it"[56]. In order to highlight that, we are going to dive in the effects of digitalization in the book industry.

Assessment 3: As shown the CCIs have a sizeable weight in the EU economy and are fully integrated to the process of digitalization. In fact, they are an asset and serve as a building block. That's why national authorities in the EU must ensure the economic protection of the industry's workers as they face crisis in order to keep them improving their craft and not hinder the industry's development. In that regard, the EU could put in place an allocation system or create a fund dedicated to all the servants of the CCIs beyond the budget allowed to culture via Creative Europe (2.2 billion euros for the period 2021-2027).

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c) CCI's in the face of digitalization: A look at the book industry

For several years, European cultural policy has been the subject of reforms particularly in the light of the digital transition. Indeed, the EU is fueling the ambition to build a Digital Single Market (DSM), which to some extent faces the current functioning of the cultural sector. A directive guaranteeing authors fair remuneration within the European area was adopted on 15

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[53] OECD. (2020). *Culture shock:…* op.cit.
[54] Ibid.
[55] Ibid.
[56] Ibid

April 2019. The EU thus validates the principle of better remuneration for artists and press publishers from the traffic generated by their content on platforms such as Google or YouTube. The concerns on digital matters will be covered in depth in the second part of our research. Digital is constantly evolving and if we are affected by this phenomenon in a more or less significant way, there are activities that have completely changed with the revolution of the online world. This is particularly the case for books, which were once simply paper-based, and are now available for the most part in electronic books as well[57].

CCIs companies have been pioneers in the adoption of innovative digital technologies, from digital photo to streaming, including virtual reality and digital media such as DVDs and Blu-ray. Similarly, the Internet could not have become what it is today without cultural content, which has contributed greatly to the growth and generalization of the network. Today, cultural services still represent an important part of European bandwidth consumption. Since 2013, CCIs companies and organizations have invested heavily in digital technologies across the entire value chain, from creation to dissemination. Over the past six years, revenues generated by online content, services and cultural works have grown by about 11.5% per year. And an asymmetry of power relationships with global platforms that can compromise financial sustainability, employment, innovation and future investments in the sector. The increasingly rapid digitization of consumption patterns poses many challenges for cultural actors, ranging from the remuneration of rights holders to the proper functioning of markets, including the fight against piracy of protected works[58], what the book industry perfectly embodies.

The EU has only a limited power in cultural matters, provided for by Article 167 of the TFEU, which stresses its role in supporting Member States and prohibits any explicit harmonization in this area as seen in the first part. However, while the official competence of the EU in terms of cultural policy seems to be reduced to the point of sorrow, Article 167 allows it to borrow "side doors"[59]. Copyright is a good example of this as it is now being called into question by the construction of a Europe fit for digital age, one of the six priorities of the European Commission that took office in 2019 which concerns are particularly addressed in the Digital Markets Act[60]. The problem of copyright at European level is not new. The Commission has been dealing with

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[57] https://actualitte.com/article/100771/inclassables/l-impact-de-la-numerisation-des-livres
[58] EY. (2021). *Culture for rebuilding Europe…* op.cit.
[59] Chenal, O. (2005). L'Europe et la culture : combien de politiques ? La pensée du midi, 65-71.
[60] "Some large online platforms act as "gatekeepers" in digital markets. The Digital Markets Act aims to ensure that these platforms behave in a fair way online. Together with the Digital Services Act, the Digital Markets Act is one of the centrepieces of the European digital strategy."

it since the 1980s and this was already "in order to take account of new technologies" and to pursue the construction of the single market as an economic policy objective.

Moreover, in the book sector while the so called economic players (publishers, booksellers…) mobilized at community level from the beginning of the 1990s on the single book price[61], the artistic counterpart of the profession has been more discreet on European issues. Today affected by digital issues and part of a broader movement of professional development of writer status[62], taking an example, the representatives of French writers are clearly seeking to make their voice heard within this protest movement encompassing the entire national cultural sector. The mobilization of the Permanent Council of Writers (PCW) and the Society of Men Letters (SML) shows a relatively new phenomenon. The representation of writers is usually done in a framework focused on political compromises historically built on the long term and on the national level[63], with an interlocutor usually the Ministry of Culture, in charge of copyright issues defending the preservation of the cultural sector from market mechanisms[64]. That the European Commission proposes this reform within an economic package is therefore doubly moving away from their habits. We can therefore wonder about what this indirect way of doing cultural policy, an economic and European policy, does to its main addressees, their schemes of thought, their strategies of action. The rising question now being how agents accustomed to interacting with state institutions and on a clearly defined political competence (French cultural policy) manage the redefinition of their issues at a different level of decision-making (the EU) and in a policy area (economy) relatively new to them.

> **Assessment 4:** Lobbying at EU level can be extended to the cultural field. This type of interaction between national association and EU governance demonstrate the potential for EU Competency to be upgraded in the cultural field. It shows an interest at EU level to protect competition and ensure an even market for cultural productions. In this regard associations from any CCIs sector must be encourage by such a process and boost their interactions with EU level governance in order to protect their competitiveness. In this case we can consider that the EU subsidiary principle applies perfectly.

In addition, the way we read has also changed with the digitalization. Books are now downloadable in just a few clicks, supports such as Audible or Kindle, tablets or smartphones

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[61] Denuit, R. (2016). Politique culturelle européenne. Brussels: Bruylant.

[62] Rabot, C., & Sapiro, G. (2017). Profession ? Ecrivain. Paris: CNRS éditions.

[63] Dubois, V. (2012). La politique culturelle. Genèse d'une catégorie d'intervention publique. Paris: Belin.

[64]Littoz-Monnet, A. (2012). Agenda-Setting Dynamics at the EU Level : The Case of the EU Cultural Policy. Journal of European Integration, pp. 505-522.

have become great tools for reading books without cluttering up and having within reach a wider choice than any library in the world can offer. It was mainly Google that initiated this movement launched in late 2004 under the name of Google Print, which aimed to digitalize 15 million books in 6 years. Digitalization has always been a major step in preserving our heritage, to have a digital record of it. Books have existed for millennia, and they contain extremely valuable and varied contents encompassing both our History and the imaginary adventures narrated by great authors. It is therefore only natural that the books have been digitalized in order to have them in digital format, on the one hand, but also in order to benefit the greatest number, making the books accessible to everyone more people in the world. The Google project motivated a European project with a similar aim with the name Europeana launched in 2008.

If before it was unthinkable to buy books on the Internet and it was necessary to go to a bookstore or library to borrow one, this landscape has literally changed in a little more than a decade. Physical books still remain the most popular and account for over 75% of revenue generated for just under 8% for eBooks in 2019[65]. Despite this, this trend continues to grow, with digital book revenues growing every year. Besides, beyond the digital format of a book, other formats have been democratized, such as the audio book that allows you to listen to a book while driving or running for example. A way of learning by listening that is popular in recent years mainly through Audible.

While the world of e-books has changed the way readers access and read books, this is also the case for publishers, authors and blog writers. In fact, before it was absolutely necessary to have a publishing house accepting your work in order to be published and possibly become a successful writer, but today with the world of internet and digital books, it is quite possible to publish your work by yourself at a low cost and to achieve success. Despite the fact that it should not be forgotten that the physical medium remains the most sold still at the moment, on the other hand starting via the digital medium is a good idea to make themselves known and possibly temporarily free of publishing houses for writers. It is indeed complex to find a publishing house and to have you published when you are an unknown writer in the industry, your only judge will be the publisher who will have in his hands your destiny and its decision will have dramatic repercussions on your potential future career as a successful author. Thanks to e-books, things have changed. For example, it is quite possible to publish and sell their digital work for authors on online platforms which proves how much digitalization has changed the

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[65] EY. (2021). *Culture for rebuilding Europe… op.cit.*

landscape of the book industry. It is up to you then to make it known and if it is conclusive, if you are certain of the quality of your book, there is a good chance that it will sell. Some authors have managed to make themselves known in this way via the online world, through word-of-mouth by starting via Amazon and then managed to find a publishing house and even turn their book into a film. There are a few successful authors in recent years who did not start with paper publication, but with digital publication. Like any product, a book can be promoted online whether through a platform like a blog, via social networks or even a YouTube channel. So you have many weapons to use to make your book known and possibly convince your future readers to buy it contrary to the world of publishing where your first door to cross will be your publisher having in his hands your future.

Assessment 5: This section puts in evidence the fact that the EU needs to keep working on a digital framework that ensure to bring down barriers and ease access to cultural content as digitalization is very heterogenic between Member States. Besides, EU has to make sure that digitalization does not create a cultural breach and generate inequalities of access to culture due to the fact that most is going to be monitored digitally (see health sector and questions over the sanitary pass in France) what could exclude part of the population. Indeed, the EU doesn't want to foster fragmentation between its citizens.

B- Culture as a fostering asset of EU internal policies

Culture can participate in reinforcing the main goal of EU internal policies, thus being, ensuring the good functioning of the internal market. Culture fits with the ambitions of the current EC as it can encourage the work towards achieving the multiple EU Green deal[66] ambitions such as sustainable development, digitalization or transforming cities.

a) Culture and how to enhance sustainable development

CCIs can foster new behaviors and practices towards a more economically, socially and environmentally sustainable future for society. Parallelly, CCIs mobility practices and use of materials can also have negative implications for the environment. Looking at the EU digital agenda as an evident example, the environmental impact of the current data consumption is consequent. The EU Green Deal intends to provide solutions that would benefit CCIs by

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[66] Framework shaping the goal of the EU to become the first climate-neutral continent. See
https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

operating in a greener and more sustainable way. However, CCIs' ecosystem has to be taken into consideration due to their fragile current financial state which already struggles to cover the great variety of projects proposed by its actors. As a result it is key that all sustainability and greening measures mainstreamed through the cultural strand of Creative Europe won't negatively impact an already oversubscribed and underfunded program[67].

The EU Green Deal is the core strategy of the current EC, proposing a transformation in multiple fields such as energy, transport or communications infrastructures with the goal to tackle climate change. For four decades, there has been a surge in the field of international sustainability. On the one hand, we witnessed the rise of a current of economic and sociological thinking idea that underlines the role of culture in development processes. In 1987, the "Brundtland Report"[68] set on the table the notion of sustainable development, which was later defined at the 1992 Earth Summit through three fundamental dimensions. The social, environmental and economic pillars. Thanks, to the promotions' efforts of the UNESCO, cultural factors gradually gained importance in the debates on sustainable development in the last three decades. Thus, culture is nowadays considered as the fourth pillar of sustainable development. Despite this increased recognition of the cultural dimension of sustainable development, the United Nations 2030 Development Agenda, developed in 2015 and defining 17 Sustainable Development Goals (SDGs) which guides the development action of all Member States is still far from considering culture as one of its fundamental pillars.

Certainly, like the concept of development, the concept of sustainable development is not unanimous among experts. However, the definition in the Brundtland Report argues that development must meet "today's needs without questioning the ability of future generations to meet their own needs"[69], will remain a sort of consensus definition at the international level. This program involves first of all taking into account a double integration: development must not only act at the "horizontal" level, by integrating various dimensions of societies and by tackling problems that have become global, but it must also act in a "vertical" way, by implementing the notion of intergenerational equity. This vision, increasingly shared on the international scene led to the establishment of the three fundamental pillars of sustainable

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[67] culture ACTION europe. (2020, February 28). *Can culture contribute to the European Green Deal?* Récupéré sur culture ACTION europe: https://cultureactioneurope.org/news/how-can-culture-adapt-and-contribute-to-the-green-deal/
[68] The Brundtland report, "Our Common Future", is the founding text of sustainable development. It dates back to 1987, when the World Commission on Environment and Development was chaired by the Norwegian Gro Harlem Brundtland on behalf of the United Nations.
[69] (Strange & Bayley, 2008)

development at the Rio Conference in 1992, namely the social, environmental and economic pillars, and the development of a set of principles set out at various international conferences.

To stress the link between culture and sustainable development we have to look at the cultural sector, represented by CCIs, arts, tourism, heritage, etc. The cultural sector is indebted to two distinct branches in economics and political science, namely the economics of culture and the political economics of communication (which emphasizes on CCIs). Although, the material (works of art, buildings, etc.) and immaterial (ideas, practices, beliefs, traditions, etc.) aspects of culture have been recognized as drawn by the notion of cultural capital[70] the emphasis of analysts have been on goods, services and infrastructure belonging to the cultural sector. Thus, providing low focus on the impact of CCIs on economic growth and environmental and social sustainability. According to Throsby, cultural goods and services generate both monetary and non-monetary benefits[71]. Indeed, beyond being a source of support for economic development, safeguarding them for future generations (intergenerational equity) and their accessibility by different groups or social classes (intragenerational equity) they would be a sustainable development goal in itself. Following that line of thought, Keith Nurse[72] has advocated for promotion of CCIs as a sustainable development goal because, on the one hand, they have rich economic potential (especially as an engine of new economic dynamics focused on digital and intellectual property), and on the other hand, they communicate cultural contents that act as catalysts in the formation of identity of societies and their intangible heritage (which would be particularly important in the case of old colonized societies). In the same vein, Hervé Digne[73] has mobilized CCIs and the arts as one of the keys to sustainable development as they function as a lever of economic development in the new economy of the "intangible" while being carriers of cultural and social values.

Moreover, we can emphasize the need for cultural change in order to promote practices, policies and institutions better suited to the objectives of sustainable development in other words, in order to build a culture of sustainability. The concept of culture here is crystallized almost systematically in the form of values, ethics, attitudes, institutions and worldviews, among others. Thus, it focuses solely on a social interpretation of culture, the cultural sector being massively under addressed. As it will be shown further in our research, the emphasis on a social

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[70] Throsby, D. (1999). Cultural Capital. *Journal of Cultural Economics*, pp. 3-12.
[71] Throsby, D. (2001). *Economics and culture*. Cambridge: Cambridge University Press.
[72] Nurse, K. (2006a). *Culture as the fourth pillar of sustainable development.*
[73] Digne, H. (2010, May). La culture, une des clés du développement durable. *RÉALITÉS INDUSTRIELLES*, pp. 105-108.

interpretation of culture makes it possible to establish a relationship between the discussion here and some of the issues dealing with the link between culture and economic development.

The explicit focus of interdependence between the different dimensions of sustainable development points to an ethical perspective centered on human needs where environmental protection is less of an end in itself than a mean used to foster modes of development that are both prosperous and sustainable. The sustainable nature of development does not therefore deprive the concept of development of a meaning associating it with the social and mental structural changes that make it possible to grow cumulatively and sustainably, the total actual product. In other words, sustainable development, like the concept of development, is a concept that focuses on the configurations of material and intangible needs and interests as much as on the different ways of satisfying them. The sustainable nature of development therefore refers above all to a change of normative order, what culture can encourage, associated with the types of social and mental structures favored, on the one and with the means of production, industrialization and governance that flow from these structures, on the other hand.

Assessment 6: The EU Green Deal fully aligns with what is stated in the latest paragraph. Whether it is by intending to foster circular economy in goods' productions or enhancing the development of sustainable and smart cities to reduce urban life pollution the EU Green Deal implementation must take advantage of the channel transmission that culture represents in order to achieve its goals and comply with the SDGs on a global scale. Through collaborating with CCIs to diffuse its objective the EC via the Green Deal would be able to relate with all concerns that SDGs imply. According to the text of the SDGs, beyond its three dimensions, sustainable development consists of five fundamental areas: i) humanity, ii) the planet, iii) prosperity, iv) peace and v) partnerships. The first three areas can be more or less directly linked to the social, environmental and economic dimensions, respectively. First, in conjunction with the social dimension, the field of humanity involves the fight against poverty and hunger, the promotion of health, mental and social well-being, education, access to safe drinking water and quality food, and respect for human rights and the principles of dignity, equality of opportunity and gender, cultural diversity, tolerance and openness. Second, embodying the environmental dimension, the domain of the planet encompasses the preservation of aquatic and terrestrial systems and efforts both to fight against and adapt to climate change. Thirdly, closely linked to the economic dimension, the field of prosperity consists, inter alia, of sustained economic growth, decent work for all, sustainable production and consumption patterns and the use of environmentally friendly technologies. As they are not associated with a specific dimension of

sustainable development, the areas of peace and partnerships therefore represent dimensions of a cross-cutting nature just like culture and could benefit from the influence of culture in a wide range of policies to be fostered more effectively.

b) The promotion of culture through audiovisual

Audiovisual is a sector whose economic weight and cultural stakes need to be analyzed. Until the 1980s that the EU[74] intervention in this field remained marginal. Community competence has developed over the years only following a decision of the European Court of Justice (ECJ) applying to the audiovisual sector (broadcasting, television programs, cinema) the concept of freedom to provide services[75]. The EC proposed in May 2016 an update of EU audiovisual media rules, by reviewing the Audiovisual Media Services Directive AVMSD with the objective to make "online platforms and audiovisual and creative sectors powerhouses in the digital economy and to not weigh them down with unnecessary rules"[76]. The update was encourage by the observed convergence between Internet and media and seen as an opportunity to adapt cultural policies and the audiovisual is regulated.

Indeed, audiovisual products and services are located at the junction of multiple departments, and the horizontal nature of the audiovisual and media industries should trigger a conflict of regulations[77]. As Katerina Sarikakis emphasized, "not only have media and cultural industries become more and more important in the economies of European countries, they have also become areas of debate and consensus on autonomy and cultural identity"[78]. In recent years, by prioritizing the formulation of the European digital agenda and the establishment of a Digital Single Market (DSM), the audiovisual industry has approached the center of EU policy concerns. The purpose is to modernize some of the EU's policy tools to pay close attention to the rapid transformation of the digital economy and take into account the new economic and industrial environment brought about by the arrival of digital technology.

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[74] European Community at that time
[75] Sénat. (n.d.). *L'Europe et la culture*. Récupéré sur Sénat: https://www.senat.fr/rap/r00-213/r00-2131.html
[76] European Commission. (2016a). *Commission updates EU audiovisual rules and presents targeted approach to online platforms.* Brussels.
[77] Vlassis, A. (2015). *Gouvernance mondiale et culture: de l'exception à la diversité.* Liège: Presses universitaires de Liège.
[78] Sarikakis, K. (2007). Introduction: The place of Media and Cultural Policy in the EU. Dans K. Sarikakis, *Media and Cultural Policy in the European Union: European Studies* (pp. 13-21). Amsterdam: Rodopi.

As a result, digital and communications companies, associations, and organizations of cultural professionals have to handle the evolution in the governance of the audiovisual media sector in the digital environment and build the appropriate mechanisms for overseeing the sector. They have either been the driving forces of the digital transformation or have been deeply affected by the economic, social and cultural effects of this transformation. Creators and CCIs are increasingly relying on digital technology and the EU's audiovisual culture has undergone radical changes due to the emergence of global operators in the digital field.

However, although the digital transformation has blurred the boundaries between multiple sectors (IT, e-commerce, audiovisual, and telecommunications), the establishment of a common integrated approach is a complicated process due to differences in regulation and long-established paths. Overall, one of the main issues is related to the similarities and differences between the physical world and the online cultural world and the appropriate regulatory framework for audiovisual goods and services in the context of digital transformation. The question is whether the new AVMSD involves Internet services hosting user-generated content (e.g. YouTube, Vimeo) and on-demand services (e.g. Netflix), whether to treat them as all other cultural services or whether to use the e-commerce directive[79] if it is still the relevant framework for such services. It is worth mentioning that in 2014, the Council (Education and Culture) adopted a conclusion on European audiovisual policy in the digital age inviting the Commission to "assess whether the current regulatory distinction between non-linear and linear audiovisual media services is still appropriate in the context of digital era"[80].

For public broadcasters, filmmakers, actors, and screenwriters associations, the purpose of this update is to define a new regulatory baseline for all important audiovisual media services including online services. They acknowledged that the economic development of online platforms and services has created conditions for unfair competition. Having said that, in the converged digital media environment, the audiovisual value chain is changing, and major online providers are emerging. More and more audiovisual content is accessed and consumed through online platforms. However, the integration and digitalization of cultural content aims to increase competition between broadcasters and online players, as well as competition between new and old audiovisual content providers. The question that arises is whether AVMSD is applicable to

[79] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, and in particular electronic commerce, in the internal market ("Directive on electronic commerce")
[80] Council of the European Union. (2014). *Councils conclusions on European audiovisual policy in the digital era.* Brussels: Council of the European Union.

operators established outside the EU, but its audiovisual media services are aimed at EU audiences. From all that we can consider that for the associations of the digital and communication sectors, online services have created a more open field.

Firstly, creators and CCIs can reach a global audience, on multiple devices, in a much easier way that it was possible with limited analogue channels. Secondly, consumers and content producers are the beneficiaries of these developments. "The market provides users a wealth of choice"[81] and any legislative change is likely to be confronted with the nature of the open Internet. Here, it is worth adding that "historically dominated by the minimalist governance origins of its global policy-making environment, EU Internet policy had developed in a largely uncoordinated fashion, underpinned by the fear of untimely or inappropriate intervention"[82]. In this respect, the associations of the digital and communication sectors state that an extension of the geographical scope of the AVMSD is deemed to endanger not only the economic model of the digital economy, but also major sociocultural aims. "Changing the geographical scope could have a negative impact upon the availability of content in the EU, media pluralism, innovation and the development of new products"[83]. To this it should be added that extra-territorial EU rules are difficult to enforce and therefore this could undermine the overall effectiveness of the new AVMSD. However, there are also opposing voices. According to several stakeholders, audiovisual media services distributed through online platforms can easily get rid of EU and Member States regulations, because online services can be established outside the EU. Most notably, the Public Broadcasting Corporation and the Association of Cultural Professionals referred to a report elaborated by the European Audiovisual Observatory, which pointed out that more than 200 video-on-demand services provided by the EU came from providers outside the EU. In doing so, these services should bypass EU and national rules, weaken their effectiveness and benefit from a competitive advantage. In fact, for these associations, the geographic scope of AVMSD combines economic perspectives and socio-cultural goals. Obviously, public broadcasters and cultural professional associations view online players as a threat to established relationships and undermine the core principles of the national audiovisual media policy. In this sense, public intervention is needed to face market failures and ensure

[81] DIGITALEUROPE. (2015). *Consultation on Directive 2010/13/EU on audiovisual media services: A media framework for the 21th century.* Brussels.

[82] Puppis, M., Simpson, S., & Van den Bulck, H. (2016). Contextualising European Media Policy in the Twenty-First Century. Dans M. Puppis, S. Simpson, & H. Van den Bulck, European Media Policy for the Twenty-first Century: Assessing the Past, Setting Agendas for the Future (pp. 1-19). London: Routledge.

[83] European Digital Media Association. (2015). *Consultation on Directive 2010/13/ EU on audiovisual media services: A media framework for the 21th century.* Brussels.

rights and responsibilities related to the cultural diversity and values of EU democracies because online participants create further externalities for the entire society.

Audiovisual interests are also about the promotion of European content which continues to arouse heated discussions because on the one hand it means the potential expansion of the quota mechanism imposed on online services and on the other hand, the potential financial contribution of online providers to the production of European works and the acquisition of rights. Undoubtedly, the digital transformation has brought increasing scrutiny and pressure on public policy arguments for promoting local cultural content. The application of quotas to the new services and the obligation for financial contribution to local content are strongly opposed by Internet service providers and associations of the digital and communication sectors which advance a twofold argument. First the rationality of consumers and second the digital technologies as valuable tool for promoting cultural diversity.

First, the mixture of foreign and local cultural content is driven by competition to deliver the best service possible, rather than by public regulation. In a world of increasing choice, the services best positioned to respond to consumer demand will continue to distribute a certain amount of local cultural content. Put differently, unlike the State sovereignty in cultural affairs, these associations argue in favor of the sovereignty of consumers. Digital services mean more choice for consumers who have multiple platforms for consumption of audiovisual content and more control for viewers who can decide when specific content is transmitted. As stressed by the Association of Commercial Television in Europe (2015, 17-19), "if our consumers feel we are offering the wrong mix of content, they will migrate to another platform or service with a different content offer. If there were such evidence, it would be for the market, not the regulator, to correct the market failure"[84]. In this respect, quotas for national cultural content are inadmissible and the EU has neither the legal competence nor the administrative capacity to seek to harmonize the daily operational practices of broadcasters to this extent. In addition, quotas are detrimental to the personalization of digital services. When watching content via an online service, subscribers already control their own viewing experience and the titles surfaced to them are highly personalized. "There is no need of any regulatory measure that would interfere with a Video on Demand (VoD) company's personalized approach to providing their services"[85].

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[84] Association of Commercial Television in Europe. (2015). *Consultation on Directive 2010/13/EU on audiovisual media services: A media framework for the 21th century.* Brussels.
[85] European Digital Media Association. (2015). *Consultation on Directive...* op.cit.

Second, digital technology is profoundly changing the way content is produced, distributed, made available and marketed. Accordingly, rules and regulations that have suited the analogue era may not be suitable today, insofar as "digital services and devices have contributed to drive cultural diversity by making European content widely available and discoverable"[86]. Besides, for associations of digital sector and VoD companies, such as Netflix, the current digital landscape has strongly supported the creation of European works. European culture is exported and viewed outside Europe thanks to new ways digital content can be disseminated and monetized. As a result, regulation would have the opposite effect. The introduction of prescriptive quotas would endanger a sustaining business model, which achieves major goals of the EU audiovisual policy, "allowing European consumers to access a wide variety of European and international content"[87]. Consequently, the consumer personalization approach taken by several VoD services allows more European works to be available in Europe and helps consumers find European works. Interestingly, the online players have moved at the forefront of economic growth and even of the promotion of cultural diversity and European cultural content.

Assessment 7: The latest review of the AVSMD in 2018 by the EU highlighted the need to adapt to the information and communications technologies evolution in order to regulate digital audiovisual content. However the EU still needs to improve the implementation of them and the effectiveness of these policies in order to foster European culture. In other terms, digital globalization has put the national and regional cultural regulation under significant pressure. To succeed in this policy field, the EU must improve coordination and reduce fragmentation between Member States in terms of digital (access or content) and advance its work on the uniformization of digital policies (what would for example allow to get rid of the principle of country of origin which takes advantage of the absence of exact scope of territorial application of the AVSMD).

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[86] DIGITALEUROPE. (2015). *Consultation on Directive ...* op.cit
[87] Netflix International. (2015). *Consultation on Directive 2010/13/EU on audiovisual media services: A media framework for the 21th century.* Amsterdam.

c) Culture in cities: a way to foster EU local development

Conceptually, regarding local development, culture is defined as a factor of development rather than as a product of development and creativity. In the first case, it is considered an investment, while in the second case, it falls under the category of program spending. In the eyes of the public and many elected officials, the perception of a public administration decision is very different depending on whether it is an "investment" or an "expenditure". For a municipal official who is rather indifferent to culture, investing in a cultural project that could generate revenue in the medium or long term will not have the same meaning as a program expenditure. Several authors who have conducted research on the subject say that cultural action plays a catalytic and mobilizing role for the inhabitants of the city. Culture appears to them as a privileged mean to foster the rapprochement or the conviviality of the residents and stimulate their creative capacity. These authors note that cultural action acts as a lever for other activities of urban life.

Looking ahead, cities should consider CCIs and cultural participation as drivers of social influence for themselves and the economy as a whole. The industry has become an economic engine and a motor for innovation as seen previously. In many cities the specialization of the CCIs is constantly growing and is being used to face competition and social challenges from a new perspective, which is conducive to adaptability, skill creation, and changes in social behavior. They can also use culture to raise awareness over complex challenges such climate change or transportations means. Cultural contributions are also important in other areas of local development, from rebuilding public trust to contributing to post-pandemic urban design that adapts to the rules of social distancing. Researchers Xavier Greffe, Sylvie Pflieger and Antonella Noya established a link between cultural action and the city: "Culture enhances the image of the land, strengthens social cohesion, increases people's attention to their land and encourages them to undertake projects"[88]. In short, territorial development policies should be able to support interaction between individuals, encourage creativity, boldness and cultural diversity.

Assessment 8: Cities are at the forefront of supporting cultural development. At the same time CCIs can facilitate the development of cultural cities and participate in the transition of cities towards becoming smart and sustainable. In this regard, EU governance should increase its funding of cultural projects (by complementing or raising up the Europe Creative Program) in

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[88] Greffe, X., Pflieger, S., & Noya, A. (2005). *La culture et le développement local.* Paris: OECD.

order to improve bottom-up initiatives. Moreover the EU should keep fostering inter-cities cooperation as it favors exchange of information, transfer of technologies and on a bigger landscape can help EU's work gain in visibility and deliver the goal to be involved in EU citizens daily lives.

Considering each level of governance, cities best understand the importance of managing local cultural resources to make them relevant and attractive. Observations from EU-funded cultural projects in cities and regions show that culture is becoming more and more mainstream in various EU policy fields such as innovation or economic development. This kind of influence is usually not paid attention to, because such measures are usually not labeled as cultural. They are mainly piloted by development or economic institutions as part of innovation plans, mainly in the social sphere or as part of urban transformation. They are also the result of individual or collective actions in the collaborative ecosystem activated at the city level.

As a result, cities are at the base of a cultural policy transformation. We owe this trend to the cumulated evidence of the positive effect of cultural investment on urban regeneration. The new cultural policies are looking for enabling local development by focusing on multiple tasks[89]:

- developing long term cultural visions and programming at local level

- occupying former industrial sites with new economic or social activities

- making use of heritage buildings that are difficult and costly to maintain

- attracting creative talents, artists and maximizing the potential for local crafts by making workspaces available at lower costs

- changing citizens' perceptions of an urban space through artistic interventions to encourage ownership, civic pride, and urban regeneration

- generating fun and entertainment (wellbeing and social cohesion) through festivals and cultural events

- supporting cultural and creative entrepreneurship (incubators, living labs, creative hubs, maker spaces) to support jobs

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[89] The following tasks are non-exhaustive and are provided by the research KEA. Le Gall, A. (2017, July 13). *KEA*… op.cit.

- attracting tourism or international investors (cultural events and an attractive suite of cultural infrastructure and reputation as a destination city / region);

- addressing social problems (artistic intervention with focus on enjoyment, self-expression, inter-community and inter-generational dialogue and skills development / training to prevent social exclusion, isolation and marginalization);

- helping the city to internationalize.

In addition, cities largely mainstream culture into several EU policies as seen already and as we will continue. Therefore they promote[90]:

- links between innovation and cultural policy – artists and creatives to encourage innovation across the city, and to encourage this by linking digital and tech hubs with cultural and creative hubs;
- usage of heritage and memory to build self-awareness, self-worth, and social cohesion. This will build strong social values and help combat xenophobia, racism, anti-Semitism, gender discrimination and extreme nationalism
- empowerment of people through artist and design-led education, living labs, and co-creation methodologies
- capacity building to enable quality local cultural expression, audience development, and participation
- intercultural dialogue and positive, proactive approaches to managing cultural integration,
- fight against social inequality in urban and rural contexts, by stimulating cultural entrepreneurship and better management of local cultural resources to maximize participation and ownership from citizens.

At the same time, the way culture is consumed is evolving and putting the accent on common activities. "Events and festivals based around music, street art, theatre, film, spoken word or food create opportunities for people to get together"[91]. Cultural consumption has become a reason for citizens to celebrate together. Sports being an embodiment of that, we will go into detail regarding it later in our research.

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[90] The following tasks are non-exhaustive and are provided by the research KEA. Le Gall, A. (2017, July 13). *KEA…* op.cit.
[91] Ibid.

This new way of experiencing culture is conducive to cooperation rather than competition, through fostering solidarity and partnership as well as new forms of entrepreneurship driven by social rather than economic goals. It provides a vision of society and its structure, in which the nation-state will become an integrated unit with which the city can coexist in it. A social vision, driven by knowledge, and foreseen that cultural stakeholders will play a key role in the development of a new social ideology based on creativity and innovation. This society could set new values, ones driven by technologists and scientists data, the others driven by cultural workers. Creative hubs usually combine these two skills to generate interdisciplinary innovation and creativity. Cities can play a role in encouraging the integration and cooperation of the two worlds, allowing us to imagine the world of tomorrow.

Assessment 9: Throughout this second part we figure out how much and in how many ways culture plays a role inside the EU and is part of internal policies. Whether it is behind material functions (CCIs products…) , or immaterial functions (city attractiveness…) Culture is a key element for future EU achievements. In this regard, the EU must ensure it keeps fostering the EU internal market and being involved in the economic, digital and societal transition the has engaged itself in recent years.

III- The impact of culture outside EU borders

A- Culture as a fostering asset of EU external policies

Culture is also mainstreamed in EU external policies. As a foreign policy tool, it has for main purpose to ensure the specificity of cultural goods and services in the digital age and to enable development in developing countries.

a) Culture and trade policy: The case of audiovisual

The foreign trade policy of the EU plays an important role in its cultural affairs actions at the international level. In the EC's international Free Trade Agreements (FTAs) negotiations, the EU seeks to maintain its cultural policy leeway in the audiovisual sector by establishing specific legal treatment for the sector. In fact, the EU has been in a "trade vs. culture" debate, opposing trade liberalization promoted by international trade agreements and the possibility of countries adopting and maintaining their cultural policies. A specific legal treatment for a sector such as the audiovisual establishes a "cultural exception" principle allowing the non-discrimination obligations of trade agreements not to apply to that sector. Policies benefiting exclusively national productions (such as quotas or subsidies) or the productions of certain partners (the case of audiovisual co-productions) remain authorized under these agreements. The "trade vs. culture" debate intensified in the 1990s and early 2000s as a result of the negotiation of multiple regional and bilateral multilateral FTAs which resulted in a more or less marked reduction in the States' room for maneuver in cultural policy.

The EU's emphasis on the audiovisual sector can be explained by the strong interest in the sector, from both economic and socio-cultural stand-points but also by differences within the EU itself on the importance of state intervention through cultural policies. A country like Netherlands has repeatedly shown reluctance to the very logic of cultural exception. However, the audiovisual sector has looked like, in the context of "trade vs. culture" debate as the common denominator between EU Member States, thanks to the efforts of countries such as France, Belgium or Spain. The traditional position of the EU in the negotiation of its international FTAs was thus to preserve the audiovisual services sector from commercial liberalization, through various legal techniques, such as the exemption, reserves and the "cultural exception" principle itself.

This positioning was not without challenges, however. Countries with strong commercial interests in this sector such as the United States, have tried to strengthen their pro-liberalization arguments since the 1990s by using the advent of new technologies. According to them, cultural

diversity would naturally result from the development of the digital market and traditional cultural policies would gradually lose their usefulness as they were unsuited to this new market. It was found however, that the unlimited storage space offered by the Internet did not necessarily lead to more diversity, particularly because of the lack of visibility and discoverability of the cultural content. Moreover, cultural policies have been gradually evolving in order to better act on the digital content market. In the end, the objective of cultural diversity appears as urgent as before, although the means to achieve it can be transformed. With regard to the United States, the EU highlighted this objective, by including a reference to cultural diversity in the EU – US Trade Principles for Information and Communication Technology Services of 2011[92] and when Member States decided in June 2013 that the Commission's mandate to negotiate a trade agreement with the United States should exclude audiovisual services.

In defining its external trade policy, the EU has to therefore seek a balance between complex interests. The need to strengthen its presence and influence on the digital economy and e-commerce has to be reconciled with fundamental cultural objectives so that the EU can not only establish its own legitimacy[93] (Barnett, 2001, 416) but also other objectives pursued through cultural policies and measures, ranging from development and social inclusion to the promotion of employment and investment[94] (Barnett, 2001, 412). Therefore, ensuring the cultural flexibility of the EU and its Member States when the European Commission negotiates FTAs ultimately protects the broadest possible capacity to act for such objectives as varied as they may be and without the risk of violating international trade commitments.

The specificity of audiovisual goods and services in relation to other products and services defended by the EU in its FTAs was reinforced by the adoption of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Expressions cultural (CDEC[95]) of which the EU was a major promoter and one of the first Parties. The EU deposited its instrument of accession to the CDEC on 18 December 2006[96] (UNESCO, 2017) and the CDEC subsequently entered into force in March 2007. This convention, which recognizes the

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[92] Transatlantic Economic Council. (2011). *European Union-United States Trade Principles for Information and Communication Technology Services.*
[93] Barnett, C. (2001). Culture, policy, and subsidiarity in the European Union : from symbolic identity to the governmentalisation of culture. *Political Geography*, 405-426.
[94] Ibid.
[95] UNESCO. (2005). *Convention sur la protection et la promotion de la diversité des expressions culturelles.* Paris.
[96] UNESCO. (2017). *Liste des Parties à la Convention sur la protection et la promotion de la diversité des expressions culturelles.* Paris.

specificity of cultural goods and services including audiovisual, is a direct result of "trade vs. culture" debate and adopted a vision that reconciled cultural and economic interests, previously considered contradictory[97]. While adopting a rather economic perspective of cultural diversity (it refers to the presence on the market of cultural goods and services from a multitude of origins), it incorporated development and international cooperation concerns and calls for more balanced exchanges of cultural goods and services as well as cultural dialogue and interculturality. The legitimacy of state intervention through cultural policies is explicitly recognized by the CDEC[98] in its articles 1 (h), 2.2, 5 and 6, thus offering when negotiating international FTAs political support for special legal treatment of cultural goods and services.

According to the particularity of cultural products and services recognized by CDEC and in order to maintain the widest political leeway in the cultural field, the parties to this Convention may use different legal methods. One way to exclude specific sectors and/or measures from international FTAs is to make reservations to agreed commitments through a "negative list," also known as top-down. In this case, the principle of liberalization is generally applicable but not included for the exceptions that are clearly stated in the list of reservations or restrictions of each country. For example, this is the technique used in bilateral FTAs negotiated by the United States. If the trade liberalization commitment is established through a "positive list", also known as bottom-up liberalization, which is limited to what is explicitly listed in each trading partner's commitment lists, it is sufficient for each party participating in the agreement to avoid specifying the sectors to be excluded in its list. For example, this method is adopted within the World Trade Organization (WTO) where some members, including the EU have not included the audiovisual services sector in their commitment schedule to the General Agreement on Trade in Services (GATS).

From a legal point of view, a cultural exception as such refers to the introduction of general exceptions in FTAs to exclude cultural sectors in which a State may wish to adopt cultural policies. This is the approach taken by the EU in the bilateral and regional FTAs[99] (*Find in the Annex the links to concerned FTAs*) with regard to the audiovisual services sector through a general clause that excludes this sector from the obligations relating to trade in services and establishment. Given the importance of the EU's role in promoting the implementation of the

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[97] Richieri Hanania, L. (2014). *Cultural Diversity in International Law : The Effectiveness of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.* London-New York: Routledge.

[98] UNESCO. (2005). *Convention sur…* op.cit.

[99] It is been the case with Canada, Colombia, Peru, Singapore, South-Korea or the CARIFORUM. Find the agreements in the Annex

CDCE, the advent of digital could provide an opportunity for the EU to promote reflection on the importance of sectors other than the audiovisual services sector in the cultural action it wishes to pursue in the future alongside its Member States, and its position on any wider exceptions requested by its trading partners. Of course, selecting the sectors to be covered by an exception is not easy as there are many sectors with a significant link to culture.

Added to this is the complexity associated with the classification of digital products and services, as well as the development of cultural policies adapted to the reality of new technologies. The precise legal drafting of an exception also requires attention. A cultural exception that details the provision of a type of service may lose its flexibility and ability to cover future market developments. Therefore, the EU's traditional positioning is based on general exclusions without precise descriptions of sectoral components, so it has advantages. In the face of rapid technological progress, it ensures a wide coverage of the audiovisual field while remaining neutral with respect to the technology used.

The European audiovisual exception does not distinguish between traditional audiovisual content and digital audiovisual content. The scope of exceptions in the audio-visual service sector is often explicitly extended to e-commerce regulations. Looking at the Canada-EU Comprehensive Economic and Trade Agreement (CETA), signed in October 2016, the electronic commerce chapter is subordinate to the other chapters of the Agreement (Article 16.7). The cultural exceptions introduced in other chapters for cultural industries (in the case of Canada) or audiovisual services (in the case of the EU) are thus applicable with regard to the provision of these products or services by electronic means[100]. Similarly, Article 8.59 of the EU-Singapore Agreement on the Electronic Provision of Services clarifies that "measures related to the supply of a service using electronic means falls within the scope of the obligations contained in the relevant provisions of this Chapter, establishment and electronic commerce] subject to any exceptions applicable to such obligations."[101] These exceptions include audiovisual services (Articles 8.3 and 8.9).

By acknowledging the particularity of cultural goods and services, incorporating cultural exceptions into trade policies and calling for complementary actions in the field of international cooperation and development within the CDEC, the EU is fostering the rebalancing of cultural exchanges, taking into account the power struggle that comes with it. As demonstrated, each

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[100] Richieri Hanania, L. (2015). *Le débat commerce-culture à l'ère numérique : quelle application pour la Convention de l'UNESCO sur la diversité des expressions culturelles au sein de l'économie créative ?*
[101] EU-Singapore. (2018, April 18). EU-Singapore trade and investment agreements. Brussels.

trading partner is responsible for defining the scope of these exceptions when negotiating an international trade agreement, although the advent of new sectors and actors from new technologies calls for a broader look at the sectors where cultural action could be justified. When drafting cultural exceptions, any rigidity is inappropriate: the law and policies must remain flexible and open to the future, able to evolve in the face of new circumstances (Neuwirth, 2016). In the context of building a European vision of culture and cultural diversity in the digital age, the use of exceptional cultural techniques has enabled the EU and its Member States to maintain the necessary flexibility to act and adapt to changes in the market for digital audiovisual content, finding the measures and policies best suited to meet their specific circumstances and the varied objectives pursued by cultural action.

Furthermore, the EU's strategy in establishing its FTAs has also enabled it to strengthen its leadership role in the implementation of the CDEC, going beyond the recognition of the specificity of cultural goods and services through exceptional legal techniques. The negotiation of these agreements proved to be an opportunity for the EU to establish mechanisms for cultural cooperation promoting cultural exchanges, interculturality and intercultural dialogue, and to be present in discussions on fundamental topics in the field of electronic commerce and the development of the digital market.

> **Assessment 10:** The EU has built an experience and shown will to lead international negotiations through CDEC and defense of the audiovisual sector. Such implication on international affairs must be transferred in the way EU wants to foster sustainable development globally as part of the EU Green Deal. From the cultural/sustainability standpoint the EU should keep favoring cultural relations through cultural heritage as by encouraging the safeguarding of locations can help mitigate climate change.

b) Culture and development aid

Like the concept of culture, development is a complex and versatile concept that can be studied in economics, sociology, anthropology, political science and psychology, among others fields. Despite some more social or cross-sectional perspectives, development is generally defined by economists in terms of structural change and growth[102]. Structural change already present in economic thought at the beginning of the 20th century, refers to the profound qualitative changes in the lifestyles and organizational structures of societies. Structural change refers to "the

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[102] Hugon, P. (1991). L'économie du développement, le temps et l'histoire. *Revue économique*, 339-366.

combination of mental and social changes in a population that makes it capable of growing, cumulatively and sustainably, its global real product"[103], while economic growth refers only to a quantitative change and is characterized as much by periods of rise and fall, thus generating growth cycles characterized by extremely variable growth rates. In fact, economists do not have the evidence to explain all of the variations and inequalities in growth over time and between different countries. In other words, the elements used by generalized growth models fail to fully account for changes in growth which explains why some economists and sociologists are interested in the cultural variable[104].

The literature dealing with the link between culture and economic development is clearly divided into two distinct lines. One focusing on a social interpretation of culture and the other on the different economic dynamics of the cultural sector. The latter category includes work recognizing the existence of a diversity of values, customs and norms that can facilitate development processes. The work grouped in this category attempts to complement the analytical framework of generalized economic models explaining the unequal nature of economic development in the world through qualitative sociological and historical approaches. While these studies recognize the existence of a multiplicity of cultural factors that can facilitate development processes, culture is only one element that influences development processes. Thus, according to this perspective, cultural factors can be useful in the analysis of development but only if they are included in analytical frameworks integrating other dimensions, including political, geographical, historical, economic and social dimensions. The importance given to cultural factors in this type of analytical framework may vary depending on the perspective of each author.

During the last two decades, the EU has progressively shown interest in involving culture in its external affairs. There has been a growing interest over the last decade in the role that culture can play in the external affairs of the EU. Setting a *Strategy for International Cultural Relations*[105] has been the proof of that. Although there have been explicit references to culture in the EU's international engagements for some time, these have tended to be rather fragmented and without any overarching policy framework. They have also been inhibited by the fact that culture has been and remains largely a competence of Member States. The new Strategy

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[103] Maréchal, J.-P. (2005). De la religion de la croissance à l'exigence du dêveloppement durable. Dans J.-P. Maréchal, *Le développment durable : Une perspective pour le XXIe siècle* (pp. 31-50). Rennes: Presses universitaires de Rennes.

[104] Bornschier, V. (2004). *Culture and politics in economic development.* Abingdon: Routledge.

[105] European Commission. (2016b). *Joint Communication to the European Parliament and the Council: Towards an EU strategy for international cultural relations.* Brussels.

attempts to overcome these issues by proposing a set of guiding principles for external cultural relations while signaling a commitment to a more coordinated EU approach on the issue. This highlights the will of the EU to strengthen its clout as a global actor.

The EU's International Cultural Relations Strategy mentions three key areas for foreign cultural participation:

- Culture as an engine for sustainable social and economic development
- Cultural and intercultural dialogue that promotes peaceful relations between communities
- Cooperation in the protection of cultural heritage

The Committee noted that there are important areas of complementarity between these areas and in particular emphasized how to promote intercultural dialogue and exchanges and strengthen the protection of cultural heritage to stimulate trade of cultural goods and services, promote cultural tourism, and improve job creation and competitiveness within and outside the EU in the cultural sector. The emphasis put on these domains is related to guiding principles driving EU cultural action. Notably, the values of cultural diversity, mutual respect and intercultural dialogue as well as the promotion of culture through existing frameworks of cooperation. In the international development context, these existing frameworks include the Development Cooperation Instrument (DCI) and the Cotonou Partnership Agreement along with related financing instruments such as the Intra African, Caribbean and Pacific (ACP) Programme, which set aside €40m under the current European Development Fund (EDF) to support the CCIs across the ACP group of countries between 2014-2020.

The culture and development strategies that have emerged in the EU in the past decade have largely borrowed from CDCE, and therefore have broad similarities with the characteristics of CDCE described as "Janus faced" by J.P. Singh[106]. It evokes the broad concepts of cultural diversity and intercultural dialogue, and its substantive clauses are actually oriented towards the narrow concepts of the cultural industry, because these concepts have been defined as priorities by many countries since the 2000s. One of the limitations of this approach is that it actually tends to limit the diversity of voices that may promote the recognition of cultural differences within or between countries, or are not part of any obvious market calculus at all[107].

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[106] Singh, J. (2011). *United Nations Educational, Scientific and Cultural Organisation: Creating norms for a complex world.* London: Routledge.
[107] Albro, R. (2005). Managing culture at diversity's expense? Thoughts on UNESCO's newest cultural policy instrument. *The Journal of Arts Management, Law and Society*, 247-253.

A related point is that the cultural sector is often the sector most interested in more developed countries or regions and their industry stakeholders, especially in Europe because it has a series of high-risk trade disputes with the United States. In this vein many European actors have tended to frame the discussion around cultural diversity and development within their own particular concerns and terms of reference, and to lay down international norms and precedents regarding the treatment of the audiovisual sector in particular. This has widened the number of stakeholders sharing the same conception of cultural diversity, while often diluting and opposing alternative conceptions that have been of greater relevance to stakeholders in a number of developing contexts[108].

To foster economic development the EU has put in place numerous Economic Partnership Agreements (EPA). Taking as example the one between the EU and the CARIFORUM completed in 2008, this EPA scheduled for 92 % of bilateral CARIFORUM-EU trade to be liberalized over a 25-year period, with the process of adjustment and implementation to be facilitated through European aid and development cooperation. As with the EU's EPA negotiations with other regional groupings across the ACP, the objectives of the EPA were framed by the 2000 Cotonou Partnership Agreement, namely to deepen the integration of the region into the global economy by harmonizing regional regulation, committing signatories to the widening and deepening of trade liberalization, and bringing trade relations into conformity with WTO rules by removing the preferential arrangements granted by Europe to the ACP since 1975 under the "Lomé" agreements[109]. However, since its completion in 2008, implementation of the EPA has remained limited and at a largely provisional level. The EPA attracted international attention as the first international trade agreement to make reference to the provisions of the CDCE, notably through the inclusion of a Protocol on Cultural Cooperation (PCC). UNESCO has referred to the EPA as a key instance of implementation of the CDCE[110] and as including the first formal references to the CDCE's provisions on international development cooperation[111]. The Protocol was also highlighted in the first official

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[108] Souyri-Desrosier, C. (2014). Chapter 14 - EU protocols on cultural cooperation: An attempt to promote and implement the CDCE within the framework of bilateral trade negotiations. Dans L. Richieri Hanania, *Cultural Diversity in International Law: The Effectiveness of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.* Oxon: Routledge.

[109] Like ending the preferential market access to agricultural commodities such as in the Caribbean's case, bananas and sugar.

[110] UNESCO. (2014). *Report prepared for the Eighth Ordinary Session of the Intergovernmental Committee for the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 9-11th December 2014.* Paris

[111] UNESCO. (2009). *Information Document - Reference Documents concerning Article 16 of the Convention.* Paris.

five year report on the implementation of the EPA as a "major innovation in North-South FTA practice"[112].

EPAs appeared to the European Commission as useful tool to set its print on international affairs over the cultural sector in trade's status with other powers. Indeed, by reporting giving the inclusion of the PCC in the EU-CARIFORUM EPA, the Commission (Through its Directorate-General for Trade) showed that the EU was committed to the CDCE. Furthermore the EU Commission qualified the PCC as a "showcase of implementation" of the CDCE, serving as model for contemplated engagements with other regions across the ACP, Asia or Latin America[113].

The provisions on culture and development in EU-CARIFORUM EPA are mainly found in the Annex PCC, and other provisions are scattered throughout the text. The PCC has been consistent with the goals of the CDCE and its concepts and definitions from the beginning, with special emphasis on the dual nature of cultural products and services and its special role in promoting greater cultural diversity, exchanges and dialogue between the two regions. An important manifestation of these principles in the PCC is the reference to Article 16 of the CDCE, which requires developed country contracting parties to grant preferential treatment to artists and cultural practitioners from developing countries, as well as cultural products and services. In this spirit, PCC provides an opportunity to enter the European audiovisual market for joint productions between the two regions. A considerable concession, because this is one of the strictest protection agencies in Europe in history, as seen before. Such co-productions are not only envisaged as a form of joint cultural capacity building but, crucially, can qualify as "European" works and therefore satisfy the content and quota requirements of EU Member States, providing that Caribbean and European producers respectively contribute shares of the production cost not less than 20 % and not more than 80 % of the total. Other provisions highlighted by the Caribbean Regional Negotiating Machinery (CRNM) include the possibility for the Caribbean cultural sector to access forms of technical assistance and funding from the EU[114]. Nevertheless questions appeared concerning such a provision due to the existence of a similar one prior to the completion of this EPA (notably the EU-ACP Support Programme for the Cultural Industries and the EU-ACP Film Fund).

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[112] Silva, S. (2014). *Monitoring the implementation and results of the CARIFORUM-EU EPA: Final Report.*
[113] European Commission. (2008). *Follow-Up Argumentaire: On the Culture Cooperation Protocol in Future Trade Agreements, 13th February 2008.* Brussels.
[114] CRNM. (2008). *EPA Brief: The Cariforum-EC Economic Partnership Agreement (EPA): Provisions on the Cultural Sector in the EPA.*

Another significant provision focuses on the protection of Caribbean intellectual property throughout the EU along with improved market access for local CCIs actors. Such an extension of legally binding market access to cultural practitioners was highlighted by the CRNM as a particularly significant concession[115] despite the fact that in practice, its benefits appear to be restrained to a small group of the sector professionals. Such provisions which unlike in the PCC are covered in the body of the EPA text and therefore carry more legally binding force mark a significant departure from the kinds of less precise diplomatic agreements to promote "cultural exchanges" that characterized international cultural engagement prior.

Beyond mere cultural cooperation, we can see what was underpinned by regional officials as a form of cultural engagement. Thus being, market access and material support that carries the potential to spur economic diversification and development. The negotiation of the EU-CARIFORUM EPA has coincided with a growing recognition in the region of the potential of the cultural sector and the need for provisions that could be used to develop a new development strategy, particularly in light of the expiration of preferential access to the European market in agricultural commodities and the ongoing competition from East Asia in low-cost manufacturing[116]. In this context, the EU's provision of market access coincides with the ambitions of Caribbean policymakers and negotiators, by making this the most important element in the framework of cultural cooperation while accelerating the transformation of culture into a "resource" for economic development. . This is the main point raised in a major report commissioned by CRNM in the 2006, which aims to explore the development potential of the region's culture: "The conclusion is that the cultural industry should be regarded as an important strategic resource for the region. Moving forward in the direction of sustainable development"[117]. Unfortunately, due to lack of implementation, EPA has hardly reported on the actual benefits of the cultural sector in the region. In fact, implementation has been limited by a lack of relevant programs of data collection in the region. Jamaica is the only Caribbean country to date to have undertaken a full assessment of the contribution of the copyright and creative industries to GDP and employment, while a few others (Barbados, Trinidad & Tobago) have only recently begun to develop some partial estimates. Adding to that, despite the creation of a Regional Task Force on the Cultural Industries (RTFCI) recommendations across the region have been very slow to get applied in order to see the benefits of the EPA.

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[115] CRNM. (2008). *EPA Brief: The Cariforum-EC…* op.cit.
[116] Nurse, K. (2006b). *The Cultural Industries in CARICOM: Trade and Development Challenges.* CRNM.
[117] Nurse, K. (2006b). *The Cultural Industries…* op.cit.

As the EU has consolidated the approach to culture and development over the last decades, it could draw observations from what has been put in place in term of cultural strategy by other global actors.

Assessment 11: The EU has followed an intense international political and economic strategy over recent years. The use of culture in international negotiations became possible in part because it is now recognized as a resource to be managed and deployed for social and economic development. Consequently, turning into an asset that European negotiators can put on the table in a trade and development context. However, in order to provide results in the aid EU provides abroad, there must be put in place commissions chaired with collaborating parties of EPAs to monitor and review their implementation. Indeed, the case of the EU-CARIFORUM shows a glaring lack of commitment towards the realization of the set provisions. To correct that and ensure the success of EPAs globally, the EU and collaborating parties could provide a set target of projects to be realized annually in the different CCIs. Also the EU should encourage the setting of programs that would form local experts in order to help developing countries build qualitative due diligence structures to manage and coordinate of such the co-implementation of the EPA. Moreover, such a progress for culture implementation would mainstream experts due diligence processes in other policy fields in developing countries.

B- Cultural competition at a global stage: Looking at culture in China

Culture, like the economy, is an instrument of Chinese power. Whether by creating its own CCIs in the audiovisual field, by developing its art market or through the elaboration of a nationalist discourse, China is strengthening all guarantors of cohesion between mainland China and its diasporas particularly, while also implementing a global strategy. To this end, the Chinese Communist Party (CCP) has designed its own soft power[118]. China knows that it cannot remain outside international forums if it wants to continue both to resist the liberal West and to propose an alternative thinking, especially to developing countries.

   a) **Background and tools of the Chinese cultural influence**

In the early 2000s the PCC launched cultural initiatives outside their borders. In May 2004, the Confucian concept of harmony (*tianxia*) and the American concept of soft power were

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[118] Joseph Nye defines soft power as the way to "get others to want the outcomes that you want – co-opts people rather than coerces them" Nye, J. (2004). *Soft Power: The Means to Success in World Politics.* Public Affairs.

crowned. The strategy wished to advocate and participate in world general interest while defending particular interest, at the same time. It is therefore a policy of pacification and development that has been implemented. But this policy is obviously accompanied by a subtle power strategy of conquering foreign civil societies via its soft power. During the 17th Congress of the CCP in 2007 it was decided to promote the learning of Chinese abroad through Confucius institutes as well as pushing young Chinese to go study overseas. The growing flow of Chinese students and tourists abroad reflects the good conduct of this policy linked to the increase in living standards in China. It is also proof of China's successful integration into globalization. Since 2012, Chinese tourism has been booming. It counted for around 169[119] million visitors in 2019. Due to its geographical proximity but also financial motives, the majority travel to other Asian countries. However, organized trips to the US and Europe have increased in recent years and are expected to keep growing strongly in the future.

The Chinese government has always used its diaspora to increase its influence[120]. Indeed, the CCP has actively been working to develop relations with the Chinese living abroad to influence, the policies of foreign governments and promote their own interests. All over the world China encourages its diaspora to create associations. These allow expatriates and people of Chinese origin to meet and develop communities. The proliferation of associations and Non-Governmental Organizations (NGOs) allows China to gain power and influence. Especially as China develops its power and influence on international organizations such as UNESCO. However, the concept of NGOs is difficult to define in the Chinese political context. There is a distinction between two types of organizations: Government-organized non-governmental organization (GONGOs) with links to the Chinese government, and grassroots organizations with no links to the Chinese government. Each of these organizations now faces major challenges, both in terms of legitimacy, positioning vis-à-vis public authorities and resources to finance their activities. Due to their proximity to the government, GONGOs have privileged access to public funding. However, this rapprochement can also be a hindrance. Because of these relationships, GONGOs have great difficulty in finding other sources of funding and have more difficulty in having their own credibility and legitimacy.

China has also shown a profound strategic interest in getting closer to the EU, that lies in the fact that both actors have experienced uninterrupted cultural continuity and benefited from the

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[119] Statista. (2020, December 20). *Number of outbound journeys of Chinese tourists from 2008 to 2019*. Récupéré sur Statista: https://www.statista.com/statistics/277250/number-of-outbound-journeys-of-chinese-tourists/
[120] EGE. (2018). *La stratégie d'influence extérieure de la Chine.* Paris.

huge accumulation of cultural heritage. This move of going beyond economic and conventional diplomacy to "a meeting of minds and souls"[121] comes at a time when China itself has entered a new stage of internal growth.

Regarding cultural heritage, in December 2013, in line with the latest national strategy of new urbanization development, the central conference on urbanization put special emphasis on cultural inheritance as one of the Four Fundamental Principles of new urbanization. It was stressed that the country needed to "improve the level of historical relics protection, develop beautiful towns of historical value, protect and carry forward our excellent traditional culture, extend the urban historical context, pay attention to retaining the original style of villages, allow residents to be able to see mountains and rivers and remember symbols of their hometowns"[122] in the process of urban construction. Guided by principles of "giving priority to protection", "rescue first", "reasonable use", and "strengthening the management", archaeologists were tasked with the dual responsibility of development in protection and protection in development to ensure the special nature, integrity, the authenticity of ancient cities was preserved and the approach to relic protection was people-oriented. These are parts of multiple initiatives revolving around the protection of cultural heritage such as the "Cultural Heritage Day", the creation of a "National archeological park" or the protection of "China's historical and cultural streets".

Zooming on the protection of cultural relics, the cultural system actively communicated with the legislative institutions of the National People's Congress and State Council to revise the Cultural Relics Protection Law into a five-year legislation plan of the National People's Congress and the State Council. A preliminary study on this revision was carried out, with heritage sectors of seven provinces and cities tasked with it. The exercise involved the study of 25 topics, such as compensation for the protection of cultural relics, cultural relics impact assessment, utilization of cultural relics, etc. Great efforts were devoted to the revision of standards for the protection of cultural relics, a plan for revision of standards 2014-2016 was formulated. The first review of three national standards and review of 16 industrial standards were completed. Thus, proving thus commitment towards cultural heritage in the country. This has led to EU and China to exchange and cooperation in cultural heritage around exhibition exchange, international cooperation, personnel exchange and training, and other aspects. To

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[121] Lisbonne de Vergeron, K. (2015). *China-EU relations and the future of European soft power: A strategy for a European cultural diplomacy.* London.
[122] Ministry of Culture (MoC) of the People's Republic of China and DG Education and Culture (EAC) of the European Commission. (2015). *MAPPING THE EU-CHINA CULTURAL AND CREATIVE LANDSCAPE.*

foster the globalization of culture strategy, China and European countries have cooperated to hold all kinds of entry-exit exhibitions of cultural relics in the last decade[123].

In 2005, the Opinions on Deepening the Culture System Reform were put forward to promote institutional reform; in addition, it has deepened reform of state-owned cultural institutions as per the Opinions on Deepening State-owned Artistic Performance Troupes System Reform outlines in 2009. In the same year, the Cultural Industrial Revitalization Planning was put forward to develop cultural creativity and nine other key industries and the "culture and creative industry" concept was put 50 forward for the first time. In 2012, GAPP (General Administration of Press and Publications) issued Implementation Rules for Supporting Private Capital to Participate in Publishing and Operating Activities and the Ministry of Culture also issued Opinions on Encouraging and Guiding Private Capital to Enter Cultural Field. Thus private capital's entry in the culture and creative industry is guaranteed by policy. Besides the policies issued by state ministries and commissions, provinces also have corresponding policies to support the development of the culture and creative industry. For example, Beijing Administrative Bureau for Industry and Commerce has outlined 23 plans to support the development of the culture and creative industry, which has enlarged the capital base for culture institutions.

b) China's cultural expansion strategy

China's strategy of cultural influence depends on its active participation in intergovernmental institutions. This results in the multiplication of its relations with foreign institutions and the increasingly visible promotion of its soft power. However, China faces its own paradox: on the one hand, the need to accept a higher degree of interdependence with the international community, on the other, to take advantage of it to defend and promote its own national interests.

Since 2016, China has constantly recalled in his United Nations speeches its support, particularly financial, for international operations. This growing involvement is part of the discourse promoting dialogue and harmony between the cultures and peoples of the world. The current disinterest of some countries with a historical hold on international bodies, and the lack of funding, created an air call into which China rushed. Its biggest opportunity at the moment has been the departure in January 2019 of the United States of the UNESCO. In recent years, China has significantly increased its financial assistance to UNESCO and its projects. For

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[123] Ministry of Culture (MoC) of the… op.cit

example, it will finance the return of the UNESCO Courier by allocating \$5.6[124] million over five years. Through this act of patronage, it will directly increase its power over the mail and write directly through the UN institution its vision of Chinese and international history and heritage.

As part of the Belt and Road Initiative[125], China is looking for to improve its influence in international institutions. To some extent, it tries to imitate the introduction of the soft power of the United States by creating a new system of governance. In parallel with the increase in its influence within existing institutions, China wants to create its own institutions in order have more decision-making power. For example, by not having given up on the Asian Infrastructure Investment Bank (AIIB) due to its lack of representation in the IMF, China offers an economic support system alternative to finance developing countries. To curb this phenomenon of the creation of institutions with a dominant Chinese cultural importance, Japan and USA have cooperated on many projects. This cooperation has taken place within the Asian Development Bank or the World Bank, where both countries continue to exert a major influence[126].

Otherwise, similarly as in the EU, CCIs have an important role in cultural diffusion in China. In 2005, the Opinions on Deepening the Culture System Reform were put forward to promote institutional reform. In 2009, the Cultural Industrial Revitalization Planning was put forward to develop cultural creativity and nine other key industries and the "culture and creative industry" concept was put forward for the first time. In 2012, the General Administration of Press and Publication issued the "Implementation Rules for Supporting Private Capital Participation in Publishing Business Activities", and the Ministry of Culture also issued the "Opinions on Encouraging and Guiding Private Capital to Enter the Cultural Field". Therefore, the entry of private capital into the cultural and creative industries is guaranteed by policies. In addition to the policies issued by the national ministries and commissions, the provinces also have corresponding policies to support the development of cultural and creative industries. For example, Beijing Administrative Bureau for Industry and Commerce has outlined plans to support the development of the culture and creative industry, which has enlarged the capital base for culture institutions. In 2013, the Ministry of Culture took steps to promote technological innovation in culture, actively supporting 48 sci-tech projects such as public

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[124] EGE. (2018). *La stratégie...* op.cit.
[125] Launched in 2013, The Belt and Road Initiative is a major project initiated by China that aims to increase connectivity and cooperation in the Eurasian region mainly through ambitious infrastructure and trade agreements
[126] EGE. (2018). *La stratégie...* op.cit.

cultural services, culture industry development, culture market management and system and mechanism reform, 12 national cultural innovation projects and 14 standardization revision projects. It has approved 201 art review projects that were subsidized. The CCIs' share of GDP has been estimated at 3.48%. and they were employing 2.1599 million employees in 2013[127].

The impact of CCIs is also felt in other policies the Mapping on the EU-China on Cultural and Creative landscape informs us, such as:

- Policy support for the industry has increased and the cooperation between culture and science, finance, tourism, trade, consumption demand and smart city is deepening. ·
- Major culture projects being implemented, such as the Shenzhen ICCIE, Yiwu Cultural Exchange Fair, and other exhibitions. ·
- The construction of a law-enforcement team for the cultural market has been strengthened and the technical supervision and service platform construction of the cultural market nationwide have made prominent progress. ·
- Upgrade of Internet services in enterprises

Overall, China's strategy with culture is paying off today and allows it to expand its influence on the international scene. A strategy based on a number of levers that have required a new way of interacting within international institutions and with other partners. More importantly, this success shows that culture has become the third pillar of China's strategy behind economy and politics

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Assessment 12: China and the EU appears to be in two different paradigm in term of culture use in foreign policy. Cultural Diplomacy vs Cultural Relations. In spite of this difference, they are able to work hand on hand on cultural concerns. Therefore, the EU should use its good relations with China on cultural heritage as a leeway to promote its vision on another global matter and common concern like sustainable development by fostering collaboration in that regard too.

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[127] Ministry of Culture (MoC) of the… op.cit

Perspectives

Our research intended to highlight how much culture matters in the EU and that it plays a role in advancing EU goals in multiple facets. After doing so, we can affirm that culture has cemented itself as a valuable asset for the success of the European entity. Now, this does not mean that its influence, expressions, field of action or implementation cannot grow, evolve, expand or be improved.

If we take the case of cultural heritage, the EU should keep engaging in fostering it. It could do so by exploiting underrated cultural expressions such as sports. Indeed, sports gather many of the characteristics culture has according to the definition we gave it in the introduction, in addition of aligning with what EU's tries to make of culture. By favoring social interaction, putting down social barriers, promoting values such as respect or solidarity as well as being a proof of diversity, sports can act as a tool for the EU to mainstream its vision.

Sports events have proven repeatedly through History (Football World Cups, Olympic Games…) that they possess this almost unique ability to unite people "under a same flag or identity" beyond preconceived ideas or conflicts because it reveals a certain passion that exists in every person. However, it is a passion that struggles to show out most of the time in every interaction. It is indeed, difficult to grasp what is that hidden quality that can help people to unite on a same perspective under certain conditions, during some moments. Still, by exploring what is provided by culture through cultural expressions and in the case of our current purpose sports, we consider that the intangible quality lying behind it, which can always be experienced in the present is that passion for sharing a common emotion, for connecting.

As a result, because they can transmit a message and they connect globally, sports have been politicized in the past for more or less glorifying reasons (Human Rights' fist raised at the 1968 Olympic Summer Games, the 1936 Olympic Summer Games in Berlin…). This politization can also be viewed in regard to the value of sports in raising peace building as they can help improve social cohesion and participate in solving conflict processes. Indeed, on a wider scope, defense policy missions are going to include systematically cultural heritage in there tool box, to help secure it on all phase of conflicts[128].

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[128] Council of the European Union. (2021). *Council Conclusions on EU Approach to Cultural Heritage in conflicts and crises.* Brussels.

Moreover, sports have been part of European cultural History. The Platform Europeana, promoting cultural heritage has engaged in this Olympic month to share "stories of sporting heritage across Europe"[129]. Such recognition of sports as a cultural expression at EU level, must allow to extend their reach. Sports can also serve as a catalyst for fulfilling goals of some EU policies like sustainability. We can mention in this case, the LIFE TACKLE project, which among other goals, aims at developing "eco-friendly sport cities"[130]. Not to mention in a complementary field, the innovative progress that can be made in domains like hydrogen transition through the advanced development in motorsports thanks to the engagement and investment of huge European automobile corporations such as Mercedes that will help develop and test new energy solutions. Something to take advantage of for the EU, on a similar basis as what was done with the hybrid motor technology in motorsports previously. A technology that has had positive implications for climate since its democratization.

Following this perspective, the EU should keep exploring ways to express culture because as we have already stated, culture is fluid and keeps evolving.

On another angle, the EU needs to keep promoting the use of culture in International forums as a policy tool. The fact that during the latest G20 presided by Italy (on July 29, 2021), the Ministers of Culture for the first time ever adopted a declaration identifying five priorities for cultural action is a testimony of the role culture has to play in policies today for the world of tomorrow. Such priorities (protection of cultural heritage, culture and climate change, culture and education, cultural and creative industries, and culture in the face of digital transformation) highlight the cross-cutting value of culture and suggest that the EU must keep its effort in using it in both its internal and external policies. This could be exemplified by pushing for the creation of European digital champions that can compete with the actual world leaders in order to enhance digital transition in the EU as well strengthening the economy of EU's CCIs among other benefits. Less hypothetically, the setting of a group of experts (from Member States and International Organizations) working on identifying and exchanging good practices and innovative measures for safeguarding cultural heritage in relation to climate change in line with the Green Deal's goals, proves that the EU is fully engaged in that direction.

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[129] Europeana. (2021). *Explore the heritage of sport across Europe*. Récupéré sur Europeana: https://www.europeana.eu/fr

[130] LIFE TACKLE. (2021). *Fighting for our planet is our best chance of winning*. Récupéré sur LIFE TACKLE: https://lifetackle.eu/

It is undeniable that even without a properly strong and dedicated policy, culture in the EU has been able in the shadow, mainstreamed in other policies, to become a pillar of European policy and holds on keys to future achievements. More than ever, culture is ubiquitous.

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B- Interviews
- **EU Commission Official[131]**

Does the EU Cultural strategy takes into account the strategies of other international actors in that field in order to ensure a better influence on the international scene ?

"The EU is realizing more and more how culture is a true driving force in international relations. It has observed how the image of some countries (e.g. US, Japan) has been influenced by the export of their culture by powerhouses (e.g. Hollywood). In that regard, the EU has a more naive approach based on values.

The EU went from an idea of Cultural Diplomacy which is about projecting your national ego to prove how strong your culture is classic to a Cultural Relations approach. This is more a bottom-up process in which it's not state vs state situation but about civil societies talking to each other. It is a more sincere approach and grants a freer arena to create something together through equal partnerships based on trust. This new process is more credible to project EU values even if it carries them in an more implicit way. That said, it doesn't mean that EU only works for common good and does not vouch for its strategic interests. It's a mix of the two. Cultural Relations have enabled a collaborative work third countries or other DGs (e.g. NEAR, INTPA) . This model of cooperation is gaining ground as it is more flexible and relates culture with different topics (e.g. education, security). International stakeholders can see the difference between Cultural Relations and Cultural Diplomacy. The second being actually what other countries (e.g. US, China) are still mainly doing."

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[131] EU Official. (2021, July 28). Culture in the EC. (C. Joseph, Interviewer)

Does the EU need to put in place new strategies to promote cultural heritage to its citizens ?

" We already have a lot. The thing is that EU integration procedures are very complex. In fact, the lack of learning on the topic in universities overall, makes it still today, a very elitist topic and makes it difficult to comprehend.

We do work on topic that touch citizens daily life, if you consider access to culture, better architecture, freedom of cultural expressions, creativity in schools… The problem has more to do with the little visibility for what is done by the EU, even at city level. Citizens are too often unaware that the EU is funding certain projects, inspiring dynamics. It's definitely not diffused in the media. There is more a need to criticize the system out there but you also need to say what is going well so you can know what you need to change and what you need to keep. We have seen Euroscepticism rise in recent times in several Member States (e.g. Brexit) in that regard. This is more worrying that the fact that the EU doesn't have other structures or legislations in place. There are so many action levels already set by the Treaties. We can of course do better, but it's a question to manage through the subsidiarity principle. It is about if the Member States want to give up more of their power.

The question is more about how to have more resources, human and financial ones to make sure that the processes in place work as much as needed and achieve all that the cultural sector and Member States want us to do. It is about implement, monitor and learn from these processes."

- **EU Official[132]**

How does the EEAS participates in the mainstreaming of culture in EU external policies ?

"We interact with the EC, the EP and we try to mainstream culture by attending meetings (e.g. Cultural Affairs Committee, Foreign Affairs Council). We also cooperate with EC DGs (e.g. EAC, INTPA, NEAR). We expect these type of collaboration to allow to get more funds for culture through new financial mechanisms that make the EU more flexible in reaction to crises like the Neighborhood, Development and International Cooperation Instrument from DG NEAR."

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[132] EU Official. (2021, July 29). EEAS Cultural Action. (C. Joseph, Interviewer)

How can cultural heritage foster EU work in climate change and sustainable development ?

"Experts can draw lessons on how previous generations made use of materials to make productions (e.g. buildings) resistant to climate change.

Cultural heritage has been identified and accepted internationally (e.g. meeting of Culture Ministers at the G20) as a mean of action by Cultural Diplomacy. Cultural Heritage doesn't belong to a nation but it's an heritage of mankind, which brings with it a joint responsibility and a common goal. It makes working together rewarding and means that you can achieve something.

Cultural Heritage will play a bigger role in the future as we have seen in countries where it has been threatened (e.g. Syria Afghanistan). There are new trends appearing thanks to technological development (e.g. digitalization, satellite images helping to detect if Cultural Heritage is threatened)"

How does the EU cultural strategy compare the one of China ?

"Our approach is a bottom-up approach, a people centered approach. It is not about sending well-known artists to other countries, to show off what we achieve. We want to make creatives meet on an equal footing, engage in exchanges and then at best in co-production and co-creation so that there is a real interchange by words, by emotions, by creativity.

In the long run, we believe this is the more sustainable and rewarding approach. Also because of the background of what China is doing; Partnerships with many countries in the world that are not on a equal footing. (e.g. these countries are only recipients of China's investment).

We aspire to create a level playing field. I'm confident that third countries will see the EU approach as a fairer approach compared to China's one."

How difficult is it to implement development strategies fostered by the EU in collaboration with developing countries ?

"The approach we follow goes through the European Union National Institutes for Culture organizations (e.g. Institut Français, Goethe Institute). They create clusters in third countries, they meet and exchange about possible joint projects. They have very close contact with local creatives and they can directly give grants or organized joint events without going through the

local government. We can channel the funds through them in a more direct way and ensure they receive these funds.

We know the covid has hit heavily creatives. Some countries (e.g. Germany) have setup relief funds and different programs to help local creatives finance their infrastructure."
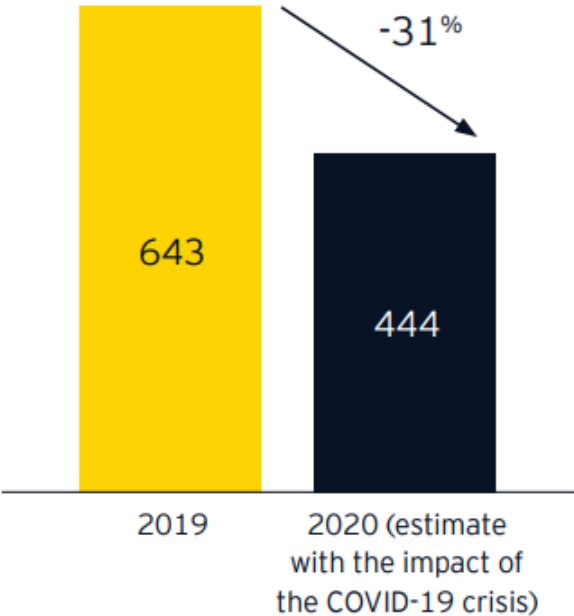
Graph.1 Turnover and value added in 2013 and 2019, and share of GDP (billion euros and %, EU-28)
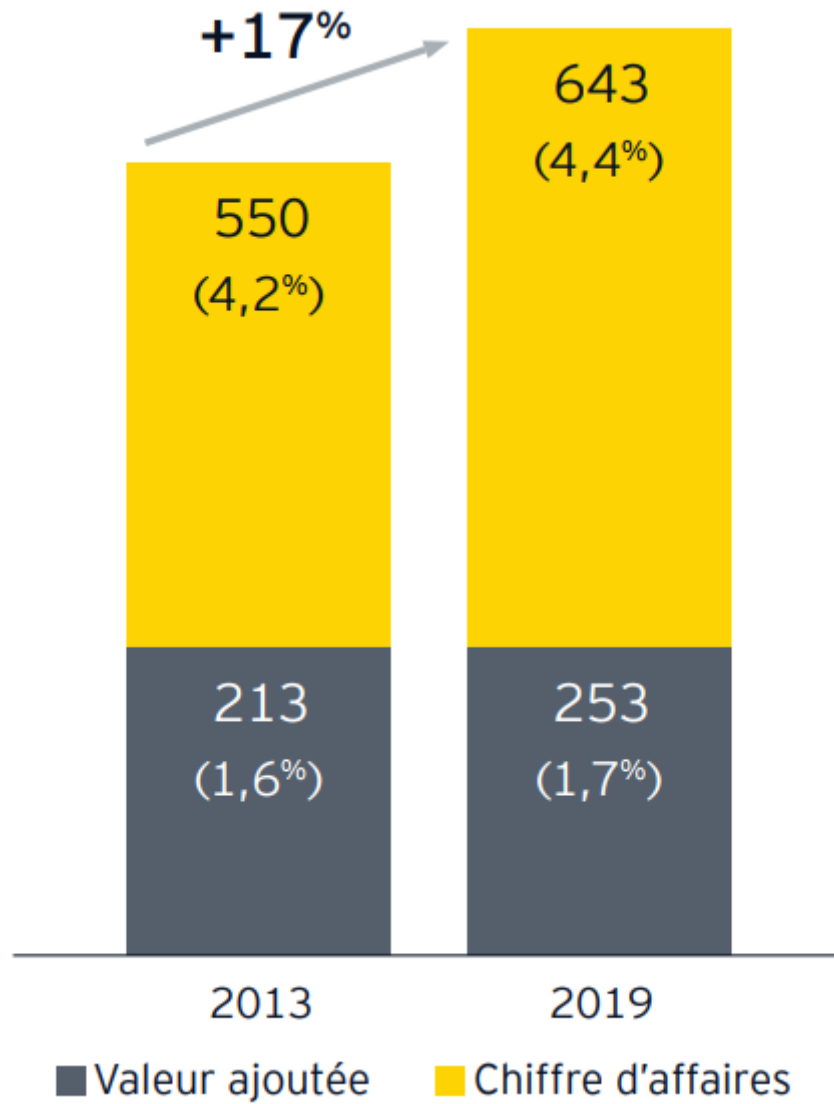
Source : EY. (2021). Culture for rebuilding Europe The Cultural and Creative Economy Before and After the COVID-19 Crisis. Brussels.
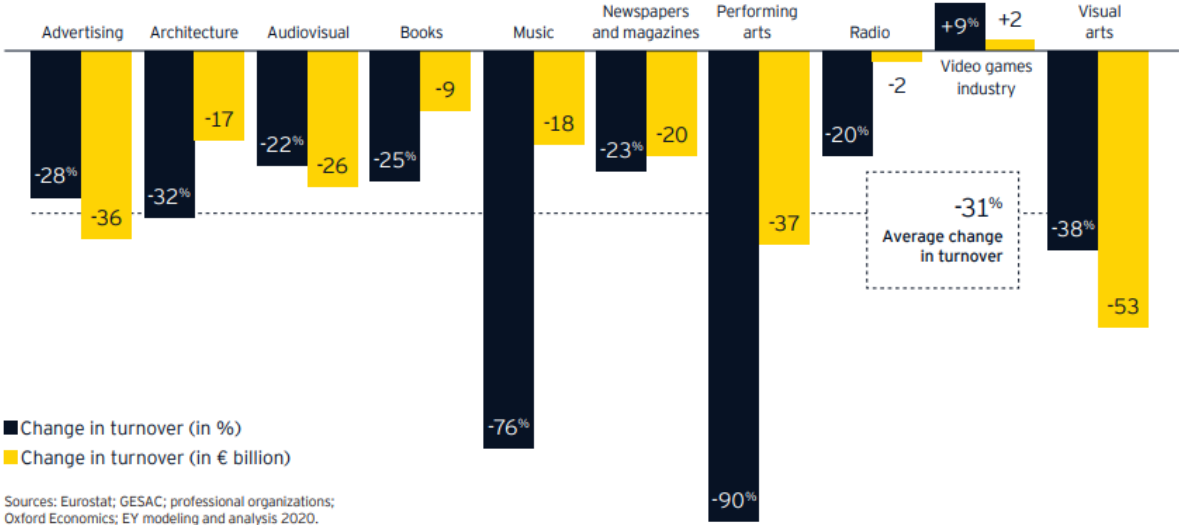
Graph.2 Turnover generated by CCIs in the EU-28 (in € billion)

Total turnover generated by CCIs in the EU-28 (in € billion)

-31%

643 — 2019

444 — 2020 (estimate with the impact of the COVID-19 crisis)

Source : EY. (2021). Culture for rebuilding Europe The Cultural and Creative Economy Before and After the COVID-19 Crisis. Brussels.

Graph.3 Estimated 2019-20 turnover of the CCIs (% of turnover 2019 and billions of euros; EU-28)

Advertising: -28%, -36
Architecture: -32%, -17
Audiovisual: -22%, -26
Books: -25%, -9
Music: -76%, -18
Newspapers and magazines: -23%, -20
Performing arts: -90%, -37
Radio: -20%, -2
Video games industry: +9%, +2
Visual arts: -38%, -53

Average change in turnover: -31%

■ Change in turnover (in %)
■ Change in turnover (in € billion)

Sources: Eurostat; GESAC; professional organizations; Oxford Economics; EY modeling and analysis 2020.

Source : EY. (2021). Culture for rebuilding Europe The Cultural and Creative Economy Before and After the COVID-19 Crisis. Brussels.

Access links to FTAs and EPAs:

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EU-COLOMBIA/PERU: https://trade.ec.europa.eu/doclib/docs/2011/march/tradoc_147704.pdf

EU-SINGAPORE: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22019A1114(01)&from=EN#page=28

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