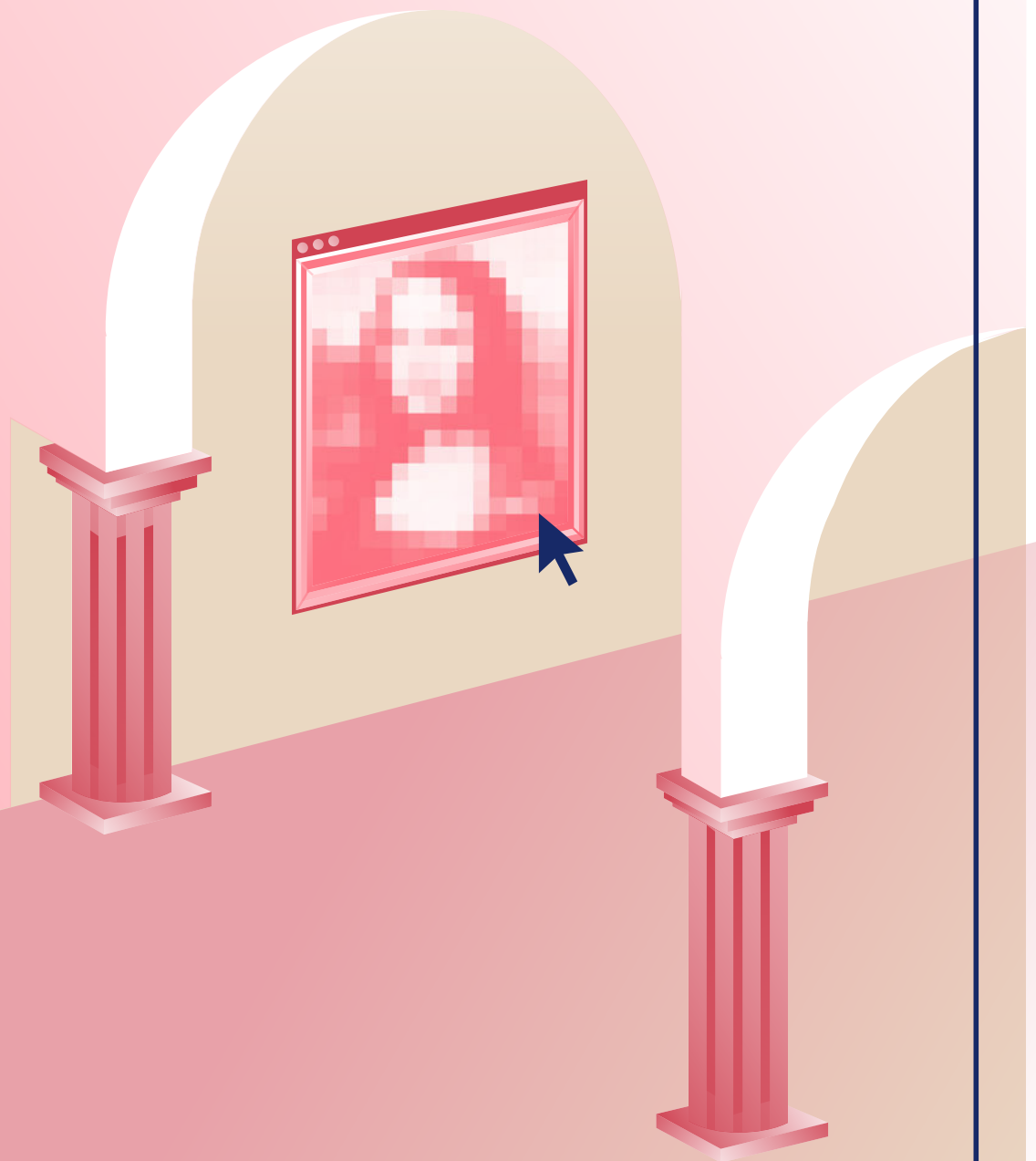


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Future's Past

European Culture in the Age of Digital Innovation



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Dr Maria Alesina



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ABOUT

The Publishers



The European Liberal Forum (ELF) is the official political foundation of the European Liberal Party, the ALDE Party. Together with 56 member organisations, we work all over Europe to bring new ideas into the political debate, to provide a platform for discussion, and to empower citizens to make their voices heard. Our work is guided by liberal ideals and a belief in the principle of freedom. We stand for a future-oriented Europe that offers opportunities for every citizen. ELF is engaged on all political levels, from the local to the European. We bring together a diverse network of national foundations, think tanks and other experts. In this role, our forum serves as a space for an open and informed exchange of views between a wide range of different EU stakeholders.



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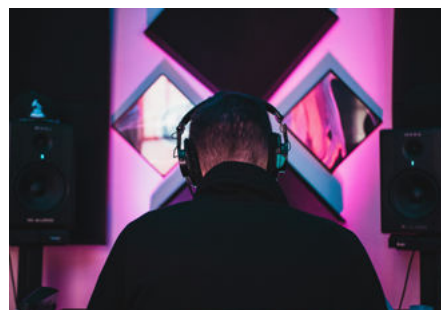
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EDITORIAL

European Culture: Freedom, Heritage, Innovation

—
DR MARIA ALESINA
European Liberal Forum



DR MARIA ALESINA

Culture is a bridge between the past and the future. Artists are the first to perceive future trends even before they become visible to the eye. Yet nothing emerges out of a vacuum. Every creative genius, however disruptive and revolutionary, builds upon the legacy of the preceding generations. This inter-generational dialogue – as much as creative engagement with the changing environment – opens up new paradigms for our perception of the world and possibilities of the future.

Today we are facing a unique moment. On the one hand, the brutality of global socio-political developments resembles the pages of history which we thought were a thing of the past. On the other hand, we are standing on the brink of a truly new world, where new technologies can either compete with human creativity or, on the contrary, allow it to reach previously unseen heights and horizons.

At a time when the world is rushing headlong into the future, amid intensified geopolitical competition and existential challenges to democracy and liberal values, the cultural component of the European project has acquired a new relevance and urgency. As Europe grapples with authoritarian forces seeking to stifle dissent and centralise power, both outside and inside the EU, the cultural and creative industries provide a powerful tool for fostering freedom and critical thinking, nurturing democratic resilience, and shaping a future where the vibrancy of human expression and creativity remains unbridled.

This issue of the Future Europe Journal delves into the multifaceted importance of cultural and creative industries in the context of the European Union, its democratic and socio-economic resilience, and its global standing. By examining the intricate interplay between culture, creativity, and the democratic ethos, this issue underscores the urgent need for strategic investments and policy measures that empower these industries to flourish, ensuring a free and vibrant future for the EU and its democratic counterparts.

Reflecting the complex nature of this dynamic field, the contributions to this journal take on a variety of formats: from academic articles and intellectual reflections to opinion pieces by leading policymakers as well as civil-society and industry representatives. Their evidence- and experience-based insights highlight the domains that are of strategic importance for the EU and that will require support from policymakers in the coming years to realise their full potential, both social and economic.

The topics cover both the internal – democracy and freedom – and the external – global influence – dimensions of culture's significance for the EU. Section 1 explores the interplay between culture and freedom, in the global context of the threats to liberal democracy, and includes contributions from representatives of major European cultural organisations. Section 2 presents case studies for overcoming national fragmentation and

The density and variety of artistic traditions, movements, and genres shape the sophisticated quilt of Europe's cultural legacy. It is important to cherish this unique richness and diversity. But it is even more important to nurture modern cultural production as the ultimate laboratory for creative ideas, innovation, and visionary solutions.

unleashing the full potential of Europe's rich cultural capital, from the first-hand perspectives of two liberal mayors. Section 3 focuses on digitalisation as a source of new opportunities as well as obstacles for the European creative industries and culture creators. It includes special notes from a leading Member of the European Parliament on culture from the Renew Europe Group and from representatives of key European industries.

The diversity of issues as well as colliding perspectives shed light on the legitimate dilemmas and questions that the sector – as well as European societies overall – are facing in these unprecedented times. Investing in and championing European cultural institutions and industries is an indispensable strategy for strengthening our democracies and increasing Europe's political, cultural, and economic influence globally.

SECTION 1

Culture: The Fortress of Liberty

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ARTICLE

Europe under Pressure

What Role for Culture and Philanthropy?

–

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Abstract

We are living in a time of extremes, possibly the most dangerous years since the beginning of the European political project in the 1950s. As Europe grapples with war, climate and migration emergencies, rising costs of living, and societal disruptions – all fuelling populist narratives – there is an urgent need to invest in transnational debates about the future we want. We need a European public space, based on shared values and cultures, nourishing a sense of community. Culture and philanthropy play a fundamental role as they create and support solutions to address complex challenges while encouraging togetherness, responsibility, and solidarity. Culture and philanthropy are invested in local territories engaging people on issues that matter to them and to society.. Their emphasis on community and solidarity values are countering divisive forces that exploit fears, anxieties, and frustrations. Culture and philanthropy are allies in fighting illiberal trends, and they are gearing up for the European Parliament elections in June 2024, which will be a litmus test for the resilience of our community, our European way of life, and our democracy. The European institutions would be well advised to recognise culture as the cement of Europe, embed a cultural dimension across their policies, and engage and partner with philanthropy for Europe.

Flirting with the extremes vs cultivating a European sentiment

2024 is an exceptional year in modern global history: around 40 countries, accounting for over 40 per cent of the world's population, will elect new parliaments and leaders, reshaping geopolitical landscapes. The European Parliament elections are the world's biggest transnational elections and second largest democratic exercise. Given the rise of far-right parties across Europe, it will be the first time that we risk such an important swing to the far-right in a European election. In such a polarised world, diabolising populism is of no use; instead, we need to understand it. As highlighted in a European Council on Foreign Relations policy brief, the value that people place on European standards of living and values does not



translate into faith in the European political project or the resilience of liberal societies (Garton Ash, Krastev, & Leonard, 2023). Thus, regardless of the European elections' outcome, illiberal trends are and will remain a serious danger.

The threat of a far-right capture of public opinion and the stifling of European integration demands that all democratic forces and players – public, private, and civic – come together, pool resources, and make a compelling case for a Europe that values diversity and advances through unity. Investing in civic education and cultural initiatives that let us share, experience, and imagine Europe, defining what connects us rather than what divides us, and reinvigorating a culture of solidarity should not be left to philanthropic action alone. On the other hand, Europe should not be the priority of only the European Union (EU). The EU and philanthropy need to work much more strategically together and invest in impactful initiatives that counteract polarisation, shape a European public space, and develop a European sentiment.

The European Sentiment Compass (ECF, 2023), an annual survey of governments' and citizens' attitudes towards Europe, shows that most Europeans remain positive about the EU but feel increasingly disconnected from it. There is little human or emotional attachment to the European institutions. 'You cannot fall in love with the Single Market', as Jacques Delors (1989) famously said when proposing education, culture, and society as areas of intrinsic cooperation for the then European Community.

Since the signing of the Maastricht Treaty (1992), which extended the EU's competency to education and culture, Europe has become more present than ever in citizens' lives, protecting their rights and defending standards and interests. In the domain of education, the Erasmus programme, which started as a public-private initiative between the European Commission and the European Cultural Foundation, allowed millions of young people to study and travel abroad, learn about other cultures and languages, and experience what it means to be European. The Creative Europe programme has evolved into an established European cooperation instrument used by thousands of cultural and media organisations in the EU and beyond.

Yet only a fraction of people feel involved, while many are missing out on a strong European sentiment that transcends national, cultural, and generational boundaries. This is a fundamental issue considering that all of today's key challenges, including climate, migration, security, energy, and artificial intelligence (AI), are post-national, and a strong European sentiment would undoubtedly influence citizens' political and civic choices for the future of Europe.

Powering Europe through culture

Culture, creativity, and cultural heritage are Europe's unique features that underpin European values. They play an important role in nurturing Europe's societies and identities – that is, identities plural. It is essential for each European to know and to feel that belonging to Europe, and being an EU citizen, does not remove one's national identity. It enriches it, expands it, adds value to it. Next to feelings of belonging to family, local community, language, region, and country, EU citizenship guarantees a certain set of rights and responsibilities that need to be nourished by common values and a sense of purpose. This is where culture can function as a vector and make a significant difference to voter behaviour and ultimately the European project.

The intimate connection between culture and democracy is evidenced by a recent EU report demonstrating that citizens actively participating in cultural activities are more likely to engage in democratic processes.¹ They are more likely to vote, volunteer, and engage in community activities. The ongoing war in Ukraine is a stark example of the intrinsic link between democracy and culture, and between culture and identity. Ukrainians are fighting not only for their physical freedom and sovereignty but also for the preservation of their cultural identity and their future within a democratic Europe. Our support to Ukraine must continue and include a strong cultural dimension. This is important now – to support its cultural resilience and resistance – but also in the future with regard to its reconstruction and EU membership. Culture needs to be part of Ukraine's Europe package, including the €50 billion Ukraine Facility.

Culture is an indispensable element in a flourishing democracy, shaping societal values and envisioning alternative ways of life. However, despite its significance in the broader context of the Sustainable Development Goals, as highlighted by the United Nations, culture is mostly absent in current political manifestos, programmes, and election campaigns. Culture cannot fix all problems, such as war, the climate emergency, or the challenges posed by AI, but it is very much a part of these struggles and transitions, helping people make sense of things, find creative solutions, and imagine a different future. With this in mind, a central place for culture in pre-election debates would help bring Europeans together and focus their imagination on finding creative solutions and creating better and desirable futures rather than driving them further apart and deepening divides.

The economic argument also plays in favour of investing in the creative and cultural ecosystem. In addition to strengthening societies, their creativity, resilience, and cohesion, culture is a non-negligible economic sector. It employs 7.7 million people across Europe, which is 3.8 per cent of total employment in the EU (Eurostat, 2023). These figures are growing year by year, with more than 1.7 million active enterprises in the creative

economy, arts, entertainment, and other culture-related activities in the European Union in 2023.

The EU has recognised the role of culture and its contribution to other EU policy goals such as regional development, international development, and foreign relations. However, despite the adoption of a New European Strategic Agenda for Culture (2018), culture still occupies a meagre space in EU policies and budgets. It serves here and there rather than being fully embraced and strategically positioned in EU policy thinking and action. In budgetary terms, culture is a lightweight. The EU's Creative Europe budget amounts to €2.44 billion for seven years (2021–2027), a tiny fraction (0.2 per cent) of the EU's overall budget.

In the spirit of the Schuman Declaration (9 May 1950), embodying the idea that big solutions cannot be found without creative efforts proportionate to the challenges,² there is a need for a much more bold and ambitious European framework for culture. Culture and creativity should be among the EU's strategic priorities. The good news is that a coalition of cultural and philanthropic partners have launched a campaign and developed a comprehensive plan to turn this idea into reality.

Making a Cultural Deal for Europe

Inspired by Franklin D. Roosevelt's New Deal, the Cultural Deal for Europe offers a far-sighted vision and fresh approach to culture. It takes culture out of its small niche and evidences its interrelatedness with all aspects of our lives: from the way we live, travel, produce, consume, create, collaborate, and so forth to the relations we build with each other in our homes, at school, at work, abroad, and with other countries and other peoples. Culture is the basis on which we build our lives and through which we project our futures. Culture helps us to better understand our past, to make sense of our present, and to navigate the future.

That is why it needs to be at the heart of the European project and its policies: cohesion, climate, migration, security, health, employment, urban and regional development, technology and innovation, international relations and development – all these policies have a strong cultural dimension but are under-resourced in cultural terms. Culture is not the solution to all the challenges of our times, but

it is an indispensable asset for finding creative, people-centred, and sustainable answers. Culture is pivotal to the resilience and progress of Europe.

This is why the European Cultural Foundation (ECF), Culture Action Europe, and Europa Nostra – representing thousands of networks, organisations, and individuals across Europe – launched the Cultural Deal for Europe,³ initially in response to the devastating effects of the COVID-19 pandemic

Culture and creativity should be among the EU's strategic priorities. The good news is that a coalition of cultural and philanthropic partners have launched a campaign and developed a comprehensive plan to turn this idea into reality.

on the cultural and creative sectors and industries (November 2020). In cooperation with the European Parliament, the alliance has since achieved some major milestones, including a €12 billion investment in culture from Member States' National Recovery and Resilience Plans. Albeit not at the same pace everywhere or creating the same opportunities, this was a significant win, and a historic step. But much more must be done for Europe to thrive through culture – internally and externally.

The Cultural Deal for Europe is a transformative path. But unlike the Green Deal proposed by the European Commission, the Cultural Deal is a movement which has its roots in civil society, is closely connected to citizens and their aspirations, and links the local to the European. The Cultural Deal for Europe makes concrete contributions to European policy design while mobilising public, private, and civic actors to join the transition. This makes it potentially very impactful.

The Cultural Deal for Europe is ambitious and pragmatic at the same time. It has a long-term vision, supported by tangible policy goals and immediate demands. It calls on the European Parliament and its members to make culture a pillar of the political agenda of the future (ECF, 2023b).





Hotel Europejski, Krakow

The Cultural Deal for Europe calls on the European institutions to do the following:

Effective use of National Recovery and Resilience Plans (NRRPs) for culture:

- Include civil society in the implementation of the NRRPs and the monitoring of investments in culture.
- Allocate funds for the highest-quality conservation and restoration of Europe's heritage

European Cultural Deal for Ukraine:

- Include culture, cultural heritage, and creative industries in the EU's relief packages for Ukraine and the future Ukraine Facility (2024–2027)

New EU strategic framework for culture:

- Develop an ambitious strategic framework for culture which reflects the challenges of our times and the opportunities that culture provides.
- Work in close collaboration with civil society to frame and design a new strategic framework.

Partnerships with European philanthropy:

- Enable new and innovative collaborative ventures with European philanthropy.
- Facilitate cross-border philanthropy and remove barriers to cooperation.

Common standards for working conditions of artists and cultural workers:

- Establish common and ambitious standards for the working conditions of artists and cultural workers across Europe.

Culture's potential for sustainable development:

- Accelerate efforts to leverage the potential of culture for sustainable development and social justice.
- Fully incorporate culture into the European Green Deal.

Culture at the heart of public debate:

- Place culture at the centre of the 2024 European Parliament election debates and discussions on the future of Europe.

In envisioning a European future deeply rooted in culture, the Cultural Deal for Europe offers a positive perspective and a transformative journey. It calls on the EU to broaden its view and understanding of culture and to make it an ally in addressing the multifaceted challenges facing Europe. Investing in culture is not a luxury but a smart, strategic choice, an economy's bread and butter, and a necessity for the resilience, well-being, and unity of people.

Breaking taboos: philanthropy, politics, and Europe

It is common knowledge that traditionally philanthropy only engaged very timidly with politics, and even less with the European project. But things are changing, and both foundations and the EU are increasingly interested in finding ways to collaborate with one another and ultimately in partnering for greater impact. However, the EU still often sees philanthropy only as a source of funding and not as a partner with whom to shape common agendas and strategies of intervention.

Institutional philanthropy in Europe comprises more than 186,000 foundations with an accumulated annual expenditure of nearly €64 billion. Besides providing funding and investments, foundations boast deep expertise and knowledge, as well as many stakeholder networks in the areas of their activities, which can be leveraged significantly with the appropriate framework conditions.

Foundations are particularly active in the arts and cultural space, recognising the important societal role and transformative power of the arts and culture. A Philea (2023a) study titled *Arts and Culture at the Core of Philanthropy*, involving 55 foundations investing a total of €478 million annually in arts and culture, has shown that despite the dramatic challenges of the past five years, foundations remain committed to providing resources and strengthening the resilience of the arts and culture sector.

Public funding and philanthropic funding are not comparable in size and impact but would substantially gain by working together. Neither public organisations such as the European institutions nor private foundations and civil society organisations at large will be able to handle European challenges on their



Considering the number and level of the crises, all possible effort must be made to work together, lift the barriers to partnering, and find creative solutions proportionate to the challenges.

own. These challenges are just too big. Philanthropy is willing to become a partner – co-investing in and co-funding joint initiatives – but this will require that European policymakers create a stimulating legal and fiscal framework and acknowledge the importance of partnership beyond foundations bringing in the cash.

So far, the EU lacks the legal, fiscal, and financial frameworks to allow for powerful EU–philanthropic partnerships, nor do many foundations commit their resources to Europe as a dedicated field of intervention. Philanthropy for Europe is still uncharted territory, except for a few foundations such as the ECF in Amsterdam, which shares the same founder as the European Community, Robert Schuman, and which, since 1954, has invested all its resources in the cause of nourishing a European sentiment and strengthening Europe through cultural initiatives that let us imagine, share, and experience Europe.

The ECF’s attempt to mitigate the effects of the COVID-19 lockdowns is a good example of a case where an EU–philanthropic partnership would have made a tremendous difference but, due to the existing legal rules and financial regulations, ‘partnering for impact’ was not possible. At the outbreak of the COVID-19 pandemic, the ECF launched the Culture of Solidarity Fund,⁴ a European rapid response mechanism supporting cross-border initiatives of solidarity in times of lockdown. The European Commission showed great interest in pooling resources for a quick, efficient, and transnational cultural response but, despite many efforts, no solution could be found to move forward together and set an example for further EU–philanthropic partnerships delivering solutions on the ground and benefiting from their respective resources, knowledge, and networks.

To date, the Culture of Solidarity Fund has grown into a public–private coalition of more than 20 foundations and partners and just launched its 11th edition of support for initiatives that, in the midst

of turmoil and crisis, cherish, protect, and revive European cooperation and solidarity. The EU is still the big missing actor. Other cases of EU–philanthropic partnerships that have been aborted due to legal and financial rules are many.

Considering the number and level of the crises, all possible effort must be made to work together, lift the barriers to partnering, and find creative solutions proportionate to the challenges. It is time to adapt the EU’s legal framework and financial rules to new European realities, needs, and opportunities – as identified in *Imagine Philanthropy for Europe* (Wider Sense, 2020) and *Philanthropy Back to the Drawing Board* (Van Gendt, 2023) – and launch solid EU–philanthropic ventures, co-developed and co-funded, that strengthen our respective action and our impact through engagement, collaboration, and partnership.

Philea, Europe’s platform of over 7,500 public-benefit foundations, launched a European Philanthropy Manifesto (Philea, 2023b) in 2023 that echoes the above demands and calls for a Single Market for Philanthropy.

The European Philanthropy Manifesto makes four key recommendations:

- Empower philanthropy by creating enabling frameworks in line with the fundamental rights of the freedom of association and movement of capital.
- Facilitate cross-border philanthropy by removing barriers that cost the sector €100 million annually and prevent work on pressing societal challenges that do not stop at borders.
- Engage with philanthropy by better implementing Article 11 of the Treaty on European Union to create an open, transparent, and regular dialogue with civil society including philanthropy as well as creating other strategic engagement opportunities with the philanthropy sector.
- Partner with philanthropy for public good by creating more opportunities in strategic programme design, co-granting, and creating incentives for co-investing from endowments – mobilising the untapped potential of billions of euros.

Going forward, and with a new European Parliament and a new European Commission taking office in 2024, it is the right time to debate our futures and imagine ambitious yet pragmatic plans for Europe. Among these plans is the creation of a genuine European foundation bringing together EU, public, private, and philanthropic actors to shape and resource Europe. Our Europe and its future cannot be left solely in the hands of the EU, competing European states, and interest-driven lobby groups. There is a need for an independent European actor that provides hope, practical solutions, and resources; an actor that advocates for the European common good, stimulates change on the ground, and strengthens essential social and democratic achievements; an actor that confronts the re-nationalisation and radicalisation of Europe and invests in European democracy, freedom, and solidarity.

This new European actor should have social and financial weight. It must have a European vision and ambition while being firmly rooted in local realities. This actor does not yet exist. The EU and foundations in Europe need to create it together, investing in joint responses to ongoing challenges and Europe's preparedness for future crises. Who will champion this idea within the European institutions? Which political and philanthropic leaders in Europe will have the ambition and determination to make such a new and unique European venture become a reality? The future will tell, and hopefully soon. There is no time to waste.

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COLUMN

Culture: Force Against Populism and Extremism

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A divided European Union (EU), as emerged in the December 2023 leaders' summit, combined with worrying signals coming from the ballots in several Member States, represent new reasons for concern across the bloc ahead of the June 2024 elections.

The victories of populists in The Netherlands, but also Slovakia, have sent yet another shock wave across Europe. Analysts widely agree that their success is rooted in a broader increase of populism in Europe and worldwide, revolving around anti-establishment and anti-immigrant sentiments, and more generally an increasing disaffection for the values of open societies. Geert Wilders's emphasis on Dutch cultural identity and the defence of Western values has resonated with a segment of the population who feel that these values are under threat, and there is a key role to play for issues related to cultural preservation and identity. A look at the root causes of this electoral success forces us to delve deeper into the complex interplay between culture and politics, and the politics of culture.

The discussions that have dominated the overlap of these spheres in recent years have largely focused on the need for decolonisation of our cultural model, in which cultural and artistic achievements have often been achieved at the cost of exploitation and suppression. We need to ask ourselves what our alternative cultural agency is today: culture is not only about the privileged artist and the free time of a minority of privileged people, but rather it is a crucial aspect of human meaning-making, democratic agency, and, ultimately, survival.

Research has proven that cultural exposure allows us to live better, healthier, and longer lives. This is true not only for individuals but also for communities. The more citizens engage in cultural activities, the more democratic agency they develop, the more they feel heard, and the more they contribute not only to social cohesion but also to the building of new, sustainable, and democratic social structures.

Exposure to culture, however, is just a stepping stone. Participation in culture takes various forms and ranges from better access to cultural offers for all, to a more active role for citizens in cultural events, up

to real co-creation and co-authorship of artistic processes and outcomes by communities. The latter requires a different perspective on culture, including a longitudinal approach, trust, and a profound empowerment of the artistic and cultural sector to take up the role of innovator. Future-proof, inclusive, and democratic societies require the integration of culture 'back' into all other areas of our societies.

The 'detached' role of the artist is a relatively recent phenomenon. In Europe, the concept of the artist having a distinct political function was 'invented' with the advent of democracy in Greece in the fifth century bc. Democracies distinguished themselves through artists who served as commentators on social structures. Later on, this practice continued within the framework of royal courts and political powers, and when the bourgeoisie arose, their social privilege was underscored by their embrace of the artist as innovator. That image of the isolated artist in an autonomous sphere is still dominant in public opinion despite the reality of the many socially engaged art movements.

Today, the distance between the artist and the people, between art and other areas of society, prevents us from unleashing the power of culture for the benefit of all citizens and from taking collective responsibility for our future. Cultural agency today must be about overcoming this distance. This is especially necessary if we are to face the triple challenge of greening our societies, digitising without dehumanising, and capitalising on plurality not as a threat but as a positive force. Our cultural agency must be about the participation of all.

With regard to the social role of culture, Europe could learn much from the Global South. While the elitist status of artists was a colonial import, the authentic meaning of cultural production in the region is that of an engine for social innovation. Its approach is based on integrating art with activism for sustainable development, new forms of economy, and governance. Europe is taking baby steps in this direction but would benefit immensely from embracing such an approach.

Supporting cultural participation, not only within art institutions but throughout society, must become the backbone of all policies in the future. To do so, however, we need to act now to introduce new cultural policies, for instance with an appropriately

empowered and funded EU Commissioner for Culture, and a related, clear role for culture in all other policy fields. In other words, we need a Cultural Deal for Europe. Just like the Green Deal was needed to address climate change and the loss of biodiversity, an overarching Cultural Deal is needed to address the rise of populism and threats to democratic structures, to allow us to remain human as we face the development of artificial intelligence, and to ensure that we 'leave none behind' in the context of ever harsher social realities.

We must give culture a central role in our political debates and consequently embed it in all public spending envelopes – including making a quantum leap in better support structures for artists and cultural organisations – if we hope to be able to counter the success of populists and right-wing extremists.

***Let us make sure to choose our direction wisely
and put culture at the heart of policymaking.
The cultural and creative sectors at large stand
ready as partners to a Cultural Deal for Europe.***

Documents and manifestos such as the Porto Santo Charter, which was born out of a collaborative effort by cultural stakeholders and policymakers during the 2021 Portuguese Presidency of the Council, offer guidance. They show how culture can serve as a powerful counterforce to the divisive rhetoric and policies of populism and right-wing extremism, harnessing the creative potential of culture to foster unity, tolerance, and inclusive governance in a continent at a crossroads. Let us make sure to choose our direction wisely and put culture at the heart of policymaking. The cultural and creative sectors at large stand ready as partners to a Cultural Deal for Europe. With European elections coming up, the ball is now in the hands of the political parties to choose their priorities.

ARTICLE

Resistant Liberalism

A European Culture Facility for Freedom Fighting

—
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Abstract

Tomorrow's world poses multiple threats to Europe's most fundamental values. In the cultural and creative fields as much as in politics, value wars and battles for sense-making are already being fiercely fought. It is time for the European Union (EU) to shift from cultural resilience to cultural resistance and to creatively support freedom fighting movements worldwide on behalf of 'Resistant Liberalism'. The new enlargement wave is an opportunity for Europeans to widen the scope of EU competences in external cultural action. The European Parliament should initiate a new phase of EU foreign policy by supporting qualified majority voting (QMV) for external cultural matters; encouraging fresh thinking on the cultural and creative dimensions of systemic climate, natural, technological, and societal transformations; and advocating for the creation of a European Culture Facility (or EU external action agency).

Introduction

'Europe usually forgets it is Europe', wrote Argentinian writer Jorge Luis Borges.⁵ Although the European integration project is a cultural endeavour seeking unity in diversity, I argue in this article that Europeans have not yet decided to develop an effective common approach to cultural relations both within the European Union (EU) itself and in their external action. Therefore, the very idea of European integration is at risk and, with it, the project of the EU as a credible international power and as an attractive society.

This article looks at the roots and recent episodes of this cultural and foreign policy interplay. It then identifies priorities to rethink the cultural dimensions of the European project to make the EU fit for the twenty-first century. Considering climate and biodiversity challenges (Kruger, 2023) and the rise of authoritarianism,

resilience will be necessary but not sufficient. The proposed approach relies on the concept of an intentional, value-based, non-violent, creative, and empowering resistance and freedom fighting policy worldwide: a 'Resistant Liberalism' – the term coined for this article – as the main avenue to harmonious and sustainable coexistence among humans and with other forms of life on Earth.

Just as Narendra Modi's India smartly (and paradoxically) pictured itself as the 'Yoga nation', the EU is perfectly able to brand itself as the world cultural partner of freedom fighting resistance movements that find themselves under violent threat from dominating illiberal regimes and climate change deniers.

From resilience to resistance

Recent strategic foresight studies (such as Parkes, Kirch, & Dinkel, 2021) provide a useful framework for looking at the potential role of culture in societies, states, and markets.

For author Giovanni Grevi, year 2022 was a turning point that saw the crystallisation of several trends already in play: the economic rise of China, Russia's responses to US and Western ambitions, and global warming and the failure of climate action (Grevi, 2023). Grevi puts forward the scenario of a 'regressive world': the combination of catastrophic consequences of climate change, economic crises, and more conflicts and humanitarian disasters, exacerbated by power competition in fragmented world politics.⁶ In this context, even if the Sustainable Development Goals remain a valid compass, it is unlikely they will be achieved or even taken seriously by authoritarian regimes.

The regressive world scenario is not the only one available, nor is it anywhere near the worst one. While Francis Fukuyama spoke of the end of history, others now speak of the end of globalisation (Escande, 2023). The bloc logic stands in contradiction to the idea of ever-increasing transnational flows between states and societies that allow cultural diversity to flourish freely in large urban hubs thanks to unleashed creative mobility. That very idea nourished the project of 'EU international cultural relations' back in the early 2000s, when there was still hope for a multilateral order ruled by shared values and norms. Some authors were optimistic (or naïve) enough to suggest that cultural relations would lead nations and people to 'global cultural citizenship' (European Union, 2014). This prospect has faded away.

In the cultural field, it took the EU more than a decade, following strong joint German–British lobbying, to adopt an EU policy framework in 2016 to guide common external cultural relations. The same year, Brexit happened, leaving the project of a strong cultural EU orphaned by one of its

strongest advocates. Up to 2022, the results of EU international cultural relations were very limited,⁷ mostly because of a lack of leadership from Member States and weak EU human resources in headquarters and in EU delegations.

Since 2019, EU foreign policy has been largely dominated by the 'language of power' and the Global Gateway, thereby implicitly neglecting, along a non-decision logic, trust-based relationships with other societies and communities. The language of power may have sounded like a 'language of fear' instead of a language of hope and confidence in the ears of EU partners, particularly in former colonies and in societies developing their own non-European cultural models.

While the EU had a policy and a toolbox at its disposal to be culturally active globally, Member States and EU institutions have decided not to use their common cultural potential to its fullest.⁸ European governments have invested in international cultural relations through other multilateral or transnational channels, including UNESCO (which recently welcomed the United States back in), the Council of Europe, ad hoc alliances (ALIPH – International Alliance for the Protection of Cultural Heritage in Conflict Areas, ICCROM – International Centre for the Study and Preservation of Cultural Property), and global networks (IFACCA – International Federation of Arts Councils and Cultural Agencies, UCLG – United Cities and Local Governments). In the wake of Brexit, France and Germany, each of which had a wide international network of cultural centres, have preferred to rely on their national institutions and channels to develop their own cultural relations. Joint German–French (Goethe Institute/Institut français) initiatives (such as shared offices or joint support to EU film festivals) took off, but they remained limited and focused on non-strategic partner countries. Other states with smaller means (Spain, but also Slovenia, Malta, and Belgian subnational entities) have also preferred to maintain their own branding approach. In parallel, the British Council, while managing to keep a seat in the EU National Institutes for Culture (EUNIC), has developed its own initiatives on climate action around COPs.

Recent years have seen the emergence of more acute conflicts over values and sense-making around multicultural coexistence (culture war debates, decolonial struggles, Brexit-related rhetoric), climate action, and the role of ecology (Roy, 2019, Ferdinand, 2019, Latour, 2019, Orbie et al, 2023, Ainger, 2023).

Considering that 'the share of the world population living in (closed or electoral) autocracies jumped from 46% in 2012 to 72% in 2022' (Grevi, 2023: 125), one may wonder if the current European approach to international cultural relations, in support of the 2022 Mondiacult conference proclaiming culture as a global public good, will be enough to resist mounting threats to fundamental freedoms worldwide.



The widening internal–external gap

The 2024 European elections will be an important test for pro-EU integration political forces against illiberal political groups. Since the 2016 Brexit vote, Euroscepticism and Euro-fatigue have not decreased in EU Member States' societies or within institutions and governments themselves.

The low level of ambition among EU experts, such as the 'Group of Twelve' commissioned by the German and French

The 2024 European elections will be an important test for pro-EU integration political forces against illiberal political groups. Since the 2016 Brexit vote, Euroscepticism and Euro-fatigue have not decreased in EU Member States' societies or within institutions and governments themselves.

governments to conceptualise EU institutional reform, confirms the dominance of Euro-defiance. In the current context, the Group of Twelve now considers federalists as naïve utopians (Franco-German Working Group on EU Institutional Reform, 2023). It suggests a cautious and pragmatic multi-layered governance system for the future EU, a parallel to the 'European Political Community' initiative. Both reflect the EU's current challenges (Parkes, 2023), new bloc logics (with Hungary and Slovakia aligned with Russia on the Ukraine conflict), and the absence of a deep cultural interpretation of the European integration project.

Eurobarometers and elections show that feelings of Europeanness and EU belonging are unstable. Temporary solidarity towards Ukraine has not dissolved divisions over Russia (Zerka, 2023). The enthusiasm shown at the 2022 Eurovision contest does not make a common EU external cultural policy, nor does the appointment in 2019 of a Commissioner in charge of protection of the 'European way of life' or the launch of the New European Bauhaus. The need identified by Gérard Bouchard for new European myths mixing national and transnational references and roots to strengthen the emergence of a united European society has not been addressed by national political leaders (Bouchard, 2016).

Europe is becoming increasingly diverse culturally, but not in a harmonious way. The (aesthetic, linguistic, religious, ethnic, territorial) diversity of European societies, and more specifically large European cities, mirrors the world's cultural

diversity, but it is not explicitly reflected in either internal or EU external action.

One could speak of a 'Europe-world', to paraphrase the wording of 'Afrique-Monde' used by African thinkers about Africa (Mbembe, Sarr, 2017). However, the management of cultural diversity in Europe is not developing homogeneously and at the same pace across the whole European territory: pessimists and nationalists would even say that culture wars and conflicts over values still very much divide European societies. That would explain why there has not been enough exchange among EU Member States and cultural sectors in Europe about ways to transform these differences into relevant content for ambitious common external cultural policies.

Believers in the EU project have focused on the development of Europe-wide media and journalism (cases in point are Arte and Euronews, boosted by exceptional post-Brexit measures in 2017, and other attempts are being made by the European Cultural Foundation and its partners). It is to be hoped that these media will be effective and lead to

the emergence of new European heroes and symbolic figures who stimulate, reflect, and nurture citizens' imaginaries and emotions. In that regard, Netflix might have been paradoxically more influential than all the other initiatives (including the valuable LUX Prize, the Europa Cinema network, and other audio-visual initiatives) in the absence of a convincingly attractive and technologically fit European cinema industry operating at a continental and global scale.⁹

However, the – at times – successful management of cultural diversity within European societies has not been fully reflected in the design of common EU external cultural policies or in the management of migration and asylum, resulting in an EU credibility and coherence deficit worldwide. European former colonial powers are only starting to acknowledge the internal cultural and identity damage of their colonial adventures. In today's European diplomacy, national diplomats and European Commissioners (usually white, and with a Caucasian family background) who negotiate on behalf of their country or the Union's institutions rarely emphasise publicly abroad that they represent the cultural diversity of European societies. How can the diverse array of EU citizens identify with these representatives?

Furthermore, the EU is often criticised for applying double standards. Unequal treatment of cultural minorities who have ancestors in former European colonies, racism, and ethnic discrimination are still serious challenges in European societies (FRA, 2023). Such injustice does not go unnoticed among



Photo by Thonik - Boijmans van Beuningen - Museum website



How can European states encourage the cultural diversity potential of the societies they rule, to ensure freedom within and between them; and how can this diversity and freedom potential be cultivated and encouraged beyond borders to tackle global challenges through dialogue and cooperation?

diasporas and in partner countries. In the field of migration, the sudden and well-funded welcoming of Ukrainian refugees was in deep contrast to the harshening of migration and asylum policies towards Middle Eastern, Central Asian, and African migrants. There are of course success stories, but the European migration narrative is, overall, broken. And Fortress Europe prevails.

In the creative climate action sector, the key initiative taken by the last Commission is the New European Bauhaus. The European Green Deal initiative has been very much a technological and economic reform, with almost no cultural or creative content. One may wonder if the Green Deal, not speaking of its lowered ambitions, is too white and too technocratic.

The 2022 European Council on Foreign Relations report on European sentiment concludes with valuable points about the challenge of internal cultural diversity and multiculturalism in Europe, and the limits of the EU integration project such as it is (Zerka, 2022). It would be useful to pursue this further and to (re)define and question the notion of 'European sentiment' from a deeper perspective, taking more precisely into account the values and priorities (and not just the opinions or views at a given time) of all cultural communities (including minorities from former colonies and various migration waves) to imagine what relevant and legitimate external cultural relations should look like. In that regard, the cultural dimensions of several interconnected thematic areas will deserve investment in the future as freedom fighting movements: technological transformations, ecology and climate, post- and decolonisation, gender-related freedoms, and migrations.

The key question for European policymakers in the years to come could thus be formulated as follows: how can European states encourage

the cultural diversity potential of the societies they rule, to ensure freedom within and between them; and how can this diversity and freedom potential be cultivated and encouraged beyond borders to tackle global challenges through dialogue and cooperation?

Resistant Liberalism

Planet Earth has entered a new era (some call it the Anthropocene, capitalocene, or plantationocene), in which we are now seeing only the beginning of multi-faceted transformations. New eras call for new thinking and for the crafting of new concepts and new approaches. The concept proposed by the author of this article for the European Liberal Forum to address current challenges in the short term and at the EU level is 'Resistant Liberalism'.

Political, social, and economic liberalism is at the core of the EU project and focuses on freedom as the central value in human societies. Resistance is the behaviour, attitude, and strategy now required by defenders of freedom to respond to ongoing, urgent, and threatening climate, biodiversity, security, health, cultural divides, and other global challenges. Like any city under siege, Fortress Europe will not be able to resist without support and trust from outside friends and without alliances with strangers. It will also need to be united to resist. This concluding part presents five recommendations for developing the EU's Resistant Liberalism through global freedom fighting, with external cultural action at its core.

1. The European Parliament could commission research and debates to develop a new lexicon to stimulate and feed resistance initiatives for all forms of freedoms as new European myths, inspired by thinkers and doers already in action or renowned for their past achievements. Resistance movements would engage constructively in value wars and battles over meaning, and against disinformation and anti-science movements. Examples of concepts and terms to be further discussed, developed, and potentially promoted in policies could include Europe-world (Europe as a smaller version of the world's cultural diversity), resistant liberalism, enabling power (Helly, 2017), creative strategies, cultural rights, spiritual and inter-faith dialogue, decolonial ecology (Ferdinand, 2019), liveable world (Latour,

2019), implicit/explicit cultural policies (Ahearne, 2009), multi-layered identities, intercultural communication and sensitivity, linguistic justice, creative climate action, poly-gender, inside-out approach, and so forth.

2. A second guideline for such research would consist of exploring more deeply ways to adapt various forms of intersectionality between cultural action and other policy fields to the realities of foreign and security policy, international partnerships and cooperation, and public diplomacy. Recent work on the health–culture, technology–culture, science–culture, and climate–culture nexuses could serve as starting points. This research investment would provide EU policymakers with strong justifications and arguments to legitimately connect and link up more concretely Member States’ cultural identities and sovereignty with European identities, competences, and related external action. It would also allow for more coherence between internal and external policies supporting the creative sector on the one hand, and the management of cultural diversity, multiculturalism, and cultural differences (including those resulting from recent migration and asylum) on the other.
3. As a contribution to upcoming EU enlargement negotiations, and as a follow-up to the Group of Twelve report on institutional reform commissioned by Germany and France, the European Parliament and like-minded governments and organisations could commission specific expertise on the widening of EU competences in the field of external cultural action and on related EU decision-making procedures in the Council. The research should a) look at options to broaden the subsidiarity criteria applied to the whole field of external cultural action and b) propose legal options and conditions to extend qualified majority voting (QMV) in external action and foreign policies to several areas such as creative climate action, intercultural and multicultural coexistence policies, decolonial policies, cultural dimensions of migration and asylum policies, creative movements for freedom fighting, and the regulation of artificial intelligence and other technologies having cultural implications. Extending QMV to external cultural action would allow like-minded Member States to invest boldly in joined-up cultural initiatives globally.
4. In parallel, some thought would need to be given to determining the parameters of a new EU agency for external cultural action (or a European Culture Facility), tasked with the convergence and coherence of creative and technological initiatives supporting freedom fighting objectives in the field of newly crafted work strands resulting from the refreshed conceptual and lexical commission mentioned above (Helly, 2023). The agency would need an autonomous mandate mirroring extended supranational competences and should function with a budget of at least €1 billion for the first multi-annual framework. The agency could be staffed with personnel recruited directly from the culture and creative sector, from EUNIC member organisations, and from staff

and experts with proved external cultural experience from existing or past EU external cultural programmes. It would develop further the existing pilot initiatives of the European spaces (houses) of culture worldwide with like-minded partners, the cultural relations platform, and other existing culture-related programmes currently scattered across EU institutions. The governance of the agency would need to allow for a sound balance between creative autonomy on the one hand, and institutional control on the other.

5. In the short term, a number of actions could be taken to lead to the creation of the agency. The first step would be to build a critical mass of political support for a European Culture Facility to support freedom fighting worldwide. A cross-party group on the topic, perhaps as a sub-group of the existing Cultural Creators group,¹⁰ could be a way forward (Cuny, Helly, 2023). One flagship initiative to develop under the aegis of the agency could be to boost the emergence of European audio-visual, cinema, and videogames champions, which are already growing (on the combined models of late Polygram, ARTE, and successful private producers), to produce attractive content (in films and series, but also documentaries and animated films, as well as gaming environments) for both European and global audiences. Partnerships with like-minded existing global platforms could also be envisaged. The European Culture Facility would also be best placed to build connections and synergies with tech communities as a follow-up to the recent launched Knowledge and Innovation Community platform (focusing on creativity and technology) managed by the European Institute of Technology

Conclusion

Europe’s most fundamental values and freedoms are directly threatened by authoritarian regimes and aggressive measures against pro-democracy societies. Foresight studies predict that this trend is here to stay for several decades. Value wars and battles for sense-making in the creative sector are already echoing this reality. EU external action now needs to shift from cultural resilience to cultural resistance and to creatively support freedom fighting movements worldwide on behalf of ‘Resistant Liberalism’. The next EU enlargement prospect is an opportunity to widen the scope of EU competences in external cultural action. Member States and EU political forces should initiate a new phase of EU foreign policy by supporting QMV for external cultural matters; encouraging fresh thinking on the cultural and creative dimensions of systemic climate, natural, technological, and societal transformations; and advocate for the creation of a European Culture Facility (or EU external action agency).



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ARTICLE

Beyond the Trinity

Epistemic Liberalism's Vital Role in a Liberal Society

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Introduction

When discussing the concept of liberalism, it is often distilled into three core pillars: political liberalism, cultural liberalism, and economic liberalism. These pillars serve as the bedrock of a liberal and democratic society, ensuring a balance of power, individual freedoms, and economic prosperity. However, there is a less explored but equally vital dimension of liberalism – epistemic liberalism. Epistemic liberalism encompasses a set of values, norms, and institutions that safeguard the generation of knowledge through the interaction of diverse individuals and organisations, grounded in the understanding that no single entity possesses the ultimate truth. This article delves into the four pillars of liberalism, their interplay, and how epistemic liberalism underpins them, emphasising that the freedom of expression is not only an individual and political liberty but also an indispensable force driving societal progress.

Political liberalism

At the heart of political liberalism lies a commitment to a democratic framework that ensures the equality of citizens in their right to participate in governance. This pillar encompasses a constellation of institutions and laws designed to safeguard democracy: the separation of powers, equality before the law, the right to association, and the limitation of government authority over its citizens. It is the bulwark against authoritarianism and totalitarianism, protecting the inherent rights of individuals to participate in shaping their collective destiny.

John Locke, one of the seminal figures in classical liberalism, articulated principles that resonate deeply with political liberalism. Locke's (1690) ideas on the social contract, the separation of powers, and the protection of individual rights laid the foundation for modern democratic thought. He underscored the importance of government as a contract between citizens and rulers, emphasising that the authority of government should be derived from the consent of the governed.



Political liberalism recognises that democracy thrives when power is dispersed and held accountable. The separation of powers, one of its core tenets, allocates distinct functions to the executive, legislative, and judicial branches of government. This separation acts as a safeguard against potential abuses of power, ensuring that no single entity can monopolise authority. The French philosopher Montesquieu, in his work *The Spirit of the Laws* (1748), famously articulated the concept of the separation of powers, which became a cornerstone of political liberalism. Montesquieu's ideas underscored the importance of checks and balances within a government structure, preventing any single branch from becoming tyrannical.

Additionally, political liberalism champions the principle of equality before the law, which ensures that every citizen is treated impartially, regardless of their social or economic status.

Moreover, political liberalism champions the right to association, which permits individuals to form groups, associations, and political parties. These organisations serve as channels through which citizens can collectively express their opinions, advocate for change, and engage in the democratic process. Alexis de Tocqueville, a French political thinker and author of *Democracy in America* (1835), observed the vibrancy of civil society and the importance of voluntary associations in the

Cultural liberalism extends beyond the realm of politics to embrace the richness of human diversity, emphasising the respect for the dignity and individuality of each person. It calls for the acceptance of various lifestyles and choices, even when they diverge from our own, provided they do not infringe upon the liberties of others.

United States. His analysis highlighted the role of these associations in shaping American democracy and preserving individual liberties. Tocqueville's observations underscore the significance of the right to association within the context of political liberalism.

Incorporating the ideas and insights of these classical liberal authors into the discussion of political

liberalism underscores the enduring relevance and historical underpinnings of this pillar. Their contributions have enriched our understanding of the democratic principles that form the backbone of political liberalism.

Cultural liberalism

Cultural liberalism extends beyond the realm of politics to embrace the richness of human diversity, emphasising the respect for the dignity and individuality of each person. It calls for the acceptance of various lifestyles and choices, even when they diverge from our own, provided they do not infringe upon the liberties of others. In his essay *On Liberty*, English philosopher John Stuart Mill (1859) defended the importance of individual freedom and the right to self-expression. He argued that society should not suppress diverse lifestyles as long as they do not harm others. Mill's ideas laid the groundwork for the concept championed by cultural liberalism.

Cultural liberalism, through its emphasis on social tolerance, is the bedrock upon which a harmonious coexistence is built. This pillar recognises that human beings are complex, each with unique backgrounds, beliefs, and values. Cultural liberalism empowers individuals to fully express their identities, fostering an environment where people with different worldviews and lifestyles can peacefully coexist. It acknowledges that the tapestry of society is woven from myriad threads, each contributing to its vibrancy and dynamism.

Cultural liberalism also plays a pivotal role in upholding the rights of marginalised and minority groups. It stands against discrimination, prejudice, and bigotry, advocating for equal treatment and protection under the law for all citizens, regardless of their race, gender, sexual orientation, or cultural background.

Mary Wollstonecraft, an early advocate for women's rights and gender equality, made significant contributions to the development of cultural liberalism. In her work *A Vindication of the Rights of Woman* (1792), she argued for equal education and rights of women, challenging prevailing gender norms. By promoting inclusivity and empathy, cultural liberalism ensures that every individual has the opportunity to flourish within the broader tapestry of society.

Economic liberalism

Economic liberalism is instrumental in driving economic growth and prosperity within what is often referred to as the developed world. It champions the principles of free market capitalism, advocating for minimal government interference in economic affairs.

Adam Smith, the renowned Scottish economist and philosopher, laid the intellectual groundwork for economic liberalism in his seminal work *The Wealth of Nations* (1776). Smith's concept of the 'invisible hand' of the market, whereby individual self-interest contributes to the overall prosperity of society, forms a cornerstone of economic liberalism. His ideas underscored the importance of limited government intervention in economic matters.

This doctrine upholds the liberty to buy, sell, trade, invest, and innovate with limited government intervention, creating an environment conducive to entrepreneurship and economic dynamism. Friedrich Hayek, another influential classical liberal economist, expanded on these ideas in his book *The Road to Serfdom* (1944). Hayek argued that central planning and excessive government control could lead to economic inefficiency and undermine individual freedoms. His advocacy for a free-market economy aligns with the principles of economic liberalism.

The essence of economic liberalism lies in the belief that individuals and businesses should have the autonomy to make economic decisions based on their preferences, abilities, and market conditions. This economic freedom fuels innovation, competition, and the efficient allocation of resources, resulting in higher standards of living and increased opportunities for all members of society.

Central to economic liberalism is the idea that competition in the marketplace benefits consumers by offering them a wide array of choices and encouraging businesses to continually improve their products and services. The free market serves as a mechanism for discovering and responding to consumer preferences, effectively turning consumers into arbiters of market dynamics. Milton Friedman, a Nobel laureate in economics, championed the virtues of free market capitalism in his influential work *Capitalism and Freedom* (1962). Friedman's advocacy for limited government involvement in the economy and his emphasis on the role of markets in promoting individual liberty resonate with the principles of economic liberalism.

Furthermore, economic liberalism emphasises the importance of property rights, as they underpin the security of individuals and businesses. Secure property rights provide the foundation for economic transactions, investments, and wealth creation, ensuring that the fruits of one's labour are protected and can be passed on to future generations.

Epistemic liberalism

Epistemic liberalism: the cornerstone of intellectual and material progress

While political, cultural, and economic liberalism all form the well-known trinity of liberal values, epistemic liberalism constitutes a fourth pillar that is often overlooked but which is essential for the flourishing of the other three.

Epistemic liberalism is rooted in the belief that knowledge is generated through the interaction of diverse individuals and organisations, and no single entity possesses the ultimate truth. It is characterised by a profound humility that recognises the limitations of human knowledge and the ever-evolving nature of truth. Karl Popper, in his work *The Logic of Scientific Discovery* (1959), emphasised the importance of testing for possible refutations to one's theories (falsifiability), thus recognising that scientific theories are always subject to revision. His ideas on the fallibility of knowledge align with the essence of epistemic liberalism.

Epistemic liberalism emphasises the importance of intellectual humility, acknowledging that no individual or institution possesses the capacity to acquire, synthesise, and comprehend all knowledge. As a result, no one is an absolute arbiter of truth. The notion of intellectual humility is profound and resonates deeply with the spirit of liberal thought. It challenges the authoritarian tendencies that can emerge within societies, reminding us that even the most brilliant minds are fallible and that the search for truth is an ongoing, collective endeavour. Isaiah Berlin, a philosopher renowned for his advocacy of pluralism and tolerance, promoted the idea that there are multiple, conflicting values and truths in society. His work, including the lecture on 'Two Concepts of Liberty' (1958), aligns with the pluralistic nature of epistemic liberalism, emphasising that diverse perspectives contribute to a richer understanding of truth.

Freedom of expression as a catalyst for the advancement of knowledge

A cornerstone of epistemic liberalism is the principle of freedom of expression. This principle not only safeguards an individual's right to voice their opinions but also serves as a catalyst for the advancement of knowledge.

Freedom of expression is not merely a legal or political concept; it is a fundamental tenet that underpins intellectual growth and societal progress. It empowers individuals to voice dissenting views, question established norms, and propose innovative solutions to complex problems.

Epistemic liberalism beyond academia

While universities and academic institutions are often associated with the pursuit of knowledge, epistemic liberalism extends



far beyond academia. It permeates all facets of society, from journalism to public discourse to individual interactions.

In journalism, the principles of epistemic liberalism underscore the importance of a diverse and independent media landscape. A free press plays a critical role in informing the public, holding those in power accountable, and facilitating open discourse. Thomas Jefferson, a key figure in the founding of the United States and an advocate for freedom of the press, stated: 'Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.'

In the realm of public discourse, epistemic liberalism encourages individuals to engage in civil discourse, respect differing viewpoints, and avoid personal attacks. A society that values intellectual diversity and free expression is better equipped to navigate the complexities of our interconnected world.

John Milton's treatise 'Areopagitica' (1644) expounded his profound convictions concerning the imperative of a free press. Milton's doctrine staunchly advocated the unrestrained dissemination of ideas, safeguarding a society wherein both the press and individuals possessed the unrestrained liberty to convey their viewpoints devoid of censorship or governmental intervention. Central to Milton's discourse was the assertion that an unrestricted press served as a linchpin for the pursuit of truth, the unbridled exchange of diverse ideas, and the progression of human knowledge. His proposition posited that the discernment of veracity or falsity should reside within the populace itself, positing that the suppression of dissenting or contentious opinions constituted an impediment to intellectual maturation. Consequently, Milton's seminal ideas laid the theoretical foundation for contemporary conceptions of press freedom, accentuating the significance of an open marketplace of ideas and the autonomy of individuals in forming judicious assessments through unimpeded discourse.

John Stuart Mill, in addition to his other contributions to epistemic liberalism, articulated the 'marketplace of ideas' concept, wherein diverse viewpoints compete in the public sphere, leading to the refinement and discovery of truth. His ideas on open discourse have had a lasting impact on the promotion of intellectual liberty.

Epistemic liberalism recognises that the unfettered expression of ideas, even those deemed minority or unpopular, contributes to the evolution of knowledge and societal progress.

Consider, for example, the historic transformations driven by the civil rights movement and LGBTQ+ rights advocacy. These movements were able to challenge and ultimately change societal norms precisely because they had the freedom to express their dissenting views, engage in public discourse, and build coalitions of support.

Epistemic liberalism and the digital age

In an era characterised by rapid technological advancement and digital interconnectedness, the principles of epistemic liberalism are more relevant than ever. The internet has democratised the dissemination of information and ideas, providing a platform for individuals and organisations to express their views and engage in public discourse on a global scale.

However, the digital age also presents new challenges to epistemic liberalism. The proliferation of misinformation and the echo chamber effect, where individuals are exposed primarily to ideas that confirm their existing beliefs, pose threats to the diversity of thought and the free exchange of ideas.

Authoritarian regimes often seek to control information and stifle dissent, fearing the transformative power of free expression. They clamp down on independent media, silence critics, and restrict access to the internet. These actions are antithetical to epistemic liberalism, which values the diversity of perspectives and recognises that the truth can withstand scrutiny and debate.

Beyond its role in shaping knowledge and societal norms, epistemic liberalism serves as a safeguard against the erosion of political, cultural, and economic freedoms. In the face of authoritarian tendencies, the principles of intellectual humility and the free exchange of ideas provide a counterbalance.

To address these challenges, it is essential for society to foster digital and media literacy, as well as critical thinking. These skills empower individuals to navigate the digital landscape with discernment, distinguishing between credible information sources and misinformation. In the realm of digital initiatives, establishing online open platforms becomes pivotal, creating digital spaces where individuals from diverse backgrounds can engage in civil discourse and contribute to discussions on various topics. These platforms prioritise inclusivity, ensuring users feel free to express their opinions without fear of censorship. Concurrently, launching digital literacy campaigns plays a crucial role in promoting skills that enable individuals to critically evaluate online information. These campaigns emphasise the importance of fact-checking, identifying credible sources, and recognising potential biases, fostering a more informed online community. By leveraging digital fact-checking tools, individuals gain accessible means to verify the accuracy of information encountered online, contributing to a culture of fact-checking and accountability in the digital space. Creating a supporting environment for independent journalism further enhances the role of unbiased media in promoting epistemic liberalism. Finally, the development and support of online education platforms offering courses on critical thinking, media literacy, and diverse perspectives empower individuals to engage with information more critically, cultivating a culture of continuous learning and intellectual curiosity in the digital age. These digital initiatives collectively contribute to fostering epistemic liberalism by promoting open



Still from the film "The New Gospel" by Milo Rau's International Institute of Political Murder, granted in ECF's Democracy Needs Imagination call

discourse, critical thinking, and the free exchange of ideas in the online domain. Importantly, these digital initiatives can evolve organically and thrive without necessarily being promoted by governments, emphasising the role of diverse stakeholders in fostering epistemic liberalism.

The global impact of epistemic liberalism

In an interconnected world, the exchange of ideas and knowledge-sharing are fundamental to addressing complex global challenges, from climate change to public health crises.

International organisations, diplomatic efforts, and transnational collaborations rely on the free flow of information and ideas to make informed decisions and foster cooperation among nations.

Epistemic liberalism is not confined by national borders; it transcends geographical boundaries to shape global discourse and cooperation. Its principles of intellectual humility, freedom of

expression, and the pursuit of knowledge through diverse interactions shape not only individual freedoms but also the progress of societies and the world at large.

The interconnected liberal pillars

The interactions between the pillars of liberalism create a dynamic system that fosters progress. Political liberalism, centred around democratic governance and the protection of individual rights, complements cultural liberalism's celebration of diversity and individuality. Together, they establish the societal structures that safeguard democratic principles and promote inclusivity.

Moreover, political liberalism's emphasis on the separation of powers and the right to association aligns with economic liberalism's call for limited



In a world marked by rapid change, diversity, and inter-connectedness, the principles of liberalism, including epistemic liberalism, provide a steadfast foundation for societies to navigate the complexities of the twenty-first century.

government intervention. The separation of powers prevents authoritarianism, ensuring a system of checks and balances, while the right to association in political liberalism finds resonance with the right to free enterprise advocated by economic liberalism. This intricate interplay reinforces the democratic fabric by dispersing power and fostering civic engagement.

Cultural liberalism, with its commitment to equal treatment and protection under the law, complements both political and economic liberalism. It acts as a social underpinning, ensuring that the benefits of democracy and economic freedom extend to all citizens, regardless of their background or identity.

Economic liberalism, rooted in free-market principles, relies on the protection of property rights and limited government intervention, concepts that find support in both political and cultural liberalism. The right to own property, a fundamental aspect of economic liberalism, is safeguarded by the legal and cultural frameworks established by political and cultural liberalism.

Epistemic liberalism, often overlooked, plays a crucial role in coordinating the interactions among the three pillars. It is grounded in the recognition that knowledge is a collective endeavour, emphasising intellectual humility and the ever-evolving nature of truth. As political, cultural, and economic liberalism intersect, epistemic liberalism encourages a constant exchange of ideas, fostering an environment where diverse perspectives contribute to the advancement of knowledge.

The continuous pursuit of knowledge, as championed by epistemic liberalism, strengthens the foundations of political, cultural, and economic liberalism. Intellectual humility, a core tenet of epistemic liberalism, challenges authoritarian tendencies and underscores the fallibility of even the most brilliant minds. This notion acts as a counterbalance, ensuring that the democratic system remains adaptive and resilient in the face of complex challenges.

Conclusion

Liberalism, as encapsulated by its four pillars – political, cultural, economic, and epistemic – represents a comprehensive framework for fostering democratic societies, individual liberties, and economic prosperity. The interplay between these pillars highlights their mutual dependence and reinforces their collective strength.

Epistemic liberalism, often overshadowed by its counterparts, is an indispensable force driving societal progress. It champions the free exchange of ideas, intellectual diversity, and the recognition that knowledge is ever evolving. Epistemic liberalism safeguards against the erosion of political, cultural, and economic freedoms, ensuring that democratic societies remain vibrant and adaptable in the face of complex challenges.

In a world marked by rapid change, diversity, and inter-connectedness, the principles of liberalism, including epistemic liberalism, provide a steadfast foundation for societies to navigate the complexities of the twenty-first century. As we reflect on these pillars of liberalism, we are reminded of the enduring importance of freedom, tolerance, and the pursuit of truth in shaping our collective future. In particular, epistemic liberalism serves as a beacon guiding us towards a more inclusive, informed, and enlightened global community.

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ENDNOTES

Section 1

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| <p>1 European Commission (23 June 2023), https://culture.ec.europa.eu/news/new-report-participation-in-cultural-activities-strengthens-democracy-and-social-cohesion.</p> <p>2 The Schuman Declaration (9 May 1950), https://www.consilium.europa.eu/en/70-schuman-declaration/.</p> <p>3 ECF (2024), https://www.culturaldeal.eu.</p> <p>4 European Cultural Foundation, https://cultureofsolidarityfund.eu/.</p> | <p>5 Le goût de l'Europe, texts selected and presented by Pierre Haroche, <i>Mercure de France</i>, 2022, https://www.mercuredefrance.fr/le-gout-de-l-europe/9782715259362.</p> <p>6 'At the normative level, values long-regarded as universal, such as those enshrined in the UN Charter and the Universal Declaration of Human Rights, are increasingly contested. Manifestations and drivers of a regressive world abound' (Grevi, 2023: 124).</p> <p>7 One of the participants at the culture Solutions roundtable on EU international cultural relations</p> | <p>in June 2022 addressed the cultural professionals seated around the table with the following question: 'What have you actually achieved with culture in world affairs on behalf of the EU?'</p> <p>8 A risk already pointed out by de Vries (2019).</p> <p>9 This is one of the conclusions of the author's independent evaluation of the EU support to European film festivals worldwide.</p> <p>10 http://www.culturalcreators.eu/.</p> |
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Former Mayor of Venice; Ca' Foscari University of Venice

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ARTICLE

How to Protect Art Cities from Overtourism

The Case of Venice

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Abstract

Overtourism in Venice has long posed a threat to the 'functioning' of the part of Civitas located in the historic Urbs. Today it has taken the form of a more serious threat to the 'structure' and vitality of the entire Venetian Civitas: the one that has expanded in the modern age 'beyond the walls' of the waters of the lagoon. Overtourism has displaced and is crowding out both residents and non-tourism jobs in historic Venice. The fight against overtourism may adopt one of two strategies: to take full advantage of a historic Venice reduced to a productive district of tourism only (max 90–100,000 visitors per day) or to combine tourism with both 'antibiotic' (max 50–60,000 visitors per day) and 'probiotic' measures such as reinvigorating the maritime port activities that have made the Serenissima a great power.

Introduction

There is overtourism and there is overtourism. What is interesting for Venice, and what has put it on the front pages of the international press (e.g. Horowitz, 2017), is the excessive pressure of visitors on a 'city of art' – an urban and historical-cultural tourist destination. It is an urban destination because the visitor is attracted not only by this or that monument, but by the city as a whole, by its 'form' and its 'functions', by the Urbs and the Civitas that animate it; and it is a historical-cultural destination because the fantastic evocation sought there is unleashed by the artistic and architectural signs inherited from the past.

Historic Venice shares the characteristics of an urban heritage destination with the pre-modern centres of other cities of art in Italy, such as Rome, Florence, Naples, and Milan, to name but a few of the capitals



of yesterday. What distinguishes Venice from them is that the expansion 'beyond the walls' that these cities underwent during the industrialisation phase of their development took the form here of an expansion 'beyond the lagoon': the lagoon that the Serenissima Republic had maintained and constantly rebuilt for defence purposes and to house the roots, the port and the arsenal, of its maritime power. The lagoon has, ambiguously, also become part of the site 'Venice and its lagoon', protected by the UNESCO World Heritage List.¹¹

Tourist carrying capacity (TCC): physical, economic, social

In cities of art, overtourism is measured not only in terms of its potential effect on the physical conservation of cultural attractions (exceeding the 'physical' tourist carrying capacity, or TCC) and the potential reduction in the quality of the experience of the visitor, a temporary user of the city (overcoming the 'economic' TCC), but also in terms of the potential conflict with the livelihood needs of the local community, especially those who do not make their living from tourism (the 'social' TCC) (Canestelli & Costa, 1991).

On the one hand, Venice has never had to worry about overcoming the 'physical' TCC, partly because the tourist experience in Venice consists mainly of outdoor immersion in search of unusual landscape views (in 2019, of the almost 20 million visitors to historic Venice, including day-trippers, fewer than 1.5 million entered the Doge's Palace, the most visited museum), but mainly because concerns about the preservation of tourist attractions have been absorbed by

1. the concern for the defence of the entire historic city against catastrophic floods, such as those of 4 November 1966 and 12 November 2019, and
2. the need to find the financial means for the restoration and maintenance of the entire Venetian built heritage, both monumental and minor, regardless of the use that would have been made of it.¹²

The 'primum vivere' monopolised the attention of Venetians and the whole world up to 10 July 2020, when the MoSE mobile barrier system proved its ability to protect Venice from the ravages of the sea. As a matter of fact, the MoSE's barriers are now also protecting Venice from the effects of climate change on average sea level, which leaves us safe for about the next 70 years,¹³ but call for a new round in the Venetian history of resilience against natural threats.

From 1970 to 2005, a whole cycle of restoration of the small private residential heritage was financed by a generous contribution from the Italian state.

Day-trippers versus overnight tourists

On the other hand, the possibility that the 'economic' TCC might be overcome became clear to Venice unexpectedly and traumatically. On the evening of 15 July 1989, a Pink Floyd concert was organised for the 'notte famosissima' of that year's Festa del Redentore, held on a floating stage in the centre of St Mark's Basin. Historic Venice, which at the time had 79,500 inhabitants, was overwhelmed by the arrival of more than 200,000 visitors. The shock of that night, amplified by the images of St Mark's Square disfigured by rubbish, sowed the seeds of a distinction, not always rational, between day-trippers and overnight tourists: the latter to be welcomed with open arms, the former to be rejected.

This conviction was reinforced in 1990 when, after the fall of the Berlin Wall, Venice was 'quietly and politely' invaded by thousands of Eastern European citizens who arrived in Venice every morning on hundreds of old buses (Zannini, 2014) and left in the evening.

The idea that day-trippers were the scourge of Venetian tourism led to a refinement of their categories (day-trippers coming from their places of residence, those coming from the beaches of the Adriatic where they spent their holidays, those coming from hotel residences chosen in the vicinity of Venice to escape the high prices, etc.).

It is this rejection of day-trippers, which has been cultivated for many years, that led the Italian Parliament to approve a law that will allow Venice, from April 2024, to charge day-trippers an entrance fee: a tax that would discourage this type of visitor or, in any case, make them contribute to the city's operating costs.

This is a measure with effects that are not easy to predict and on which it is therefore necessary to suspend judgement. We can only observe, for now, that this entrance fee will not affect the other, more substantial transformation of both tourism and the city that occurred in the same years: the huge increase in tourist overnight stays.

Working and living in a touristic Venice

If the day-trippers have gradually complicated the 'functioning' of the city (the congestion of the public water transport system is the first victim), it is overnight tourism that has changed its 'structure'.

The building stock of the historic city – which by definition cannot be expanded, as it must be preserved as a site of outstanding cultural value on the Unesco World Heritage List – has undergone, and continues to undergo, a process



of 'crowding out' of both monumental and smaller buildings by hotels, restaurants, and tourist residences, to the detriment of offices, workshops, neighbourhood shops, and permanent residences.

For example, the number of hotel and non-hotel beds, which was just under 13,000 in 1987, rose to over 24,000 20 years later (2007) and almost 44,000 in 2017, the year in which the non-hotel sector, driven by the boom in shared accommodation, accounted for 58 per cent of the total (De Marchi, 2019: 175).

From 1970 to 2005, a whole cycle of restoration of the small private residential heritage was financed by a generous contribution from the Italian state.

This recent phenomenon of shared accommodation, which has affected the existing housing stock throughout the historic city (but also beyond), has only accelerated and worsened a phenomenon that has been observed for some time and can be logically explained in terms of the difference in reserve prices between tourist and non-tourist buyers or tenants of a given quantity (Prud'homme, 1986) of unmodifiable property.

All these phenomena are closely linked to the decrease in the population of the historic centre: the 170,000 inhabitants of the early 1950s are now fewer than 50,000, with a constant linear decline over 70 years.

City of art or a city of life?

However, in order not to place too much blame on the tourism sector, we must not forget two other phenomena: one physiological and the other pathological.

The physiological one is that the 'exodus' from the historical centre in the 1960s had to do with the redistribution of the population between the centre and the periphery of a city that was expanding 'beyond the walls' of the lagoon, driven by the industrial development on the lagoon edge in Marghera (Costa, Dolcetta, & Toniolo, 1972).

The pathological issue is that, from those years onwards, the historical centre was also abandoned by many productive activities, those of tertiary and quaternary services. This is due to the poor accessibility of the lagoon settlements, the result of transport technologies (a single railway and road bridge over the lagoon and a public transport system in the lagoon entrusted to nineteenth-century vaporettos) that did not want to be updated;¹⁴ and the port and logistics activities, hampered by a disproportionate – and culturally incorrect – interest in the intangibility of a lagoon built not by nature but by the Venetians over the centuries (Rinaldo, 2009).

In short, the tourist 'conquest' of the historical Urbs, its tendency to be reduced to a productive district only for tourism and 'liberated' from inhabitants and from any activity not functional to the attraction of visitors, can be explained by the charm that the tourist destination of Venice exerts on the whole world, but it has been favoured by the weakness of the demand for alternative non-tourist uses. At the end of the 1970s, we thought that the historical centre of Venice, after the downsizing of the industry located in Marghera, was destined, not unlike the centres of Milan, Florence, and Rome, to be transformed into the business district of the great metropolitan Venice that was being formed – the Caput of the region, Veneto and beyond, which would become a protagonist on the scene of Italian industrial and post-industrial development (Costa, 2019).

The future of Venice: two 'scenario-objectives'

Since we cannot rewind history, it is clear that the future of Venice, both the historical centre and the broader, functional area in which today's Venetians live, requires the containment of overtourism. However, this needs to be achieved by combining 'antibiotic' measures (containment of tourism) with 'probiotic' measures (development of non-tourism productive activities), with a choice between two alternative 'scenario-objectives'.

The first 'scenario-objective' is to accept the current trend: to prepare to make the most of Venice as a tourist destination, embellished with cultural events such as La Biennale, which improve the quality of the visit and the visitors.

In this scenario, in order to respect the tourist carrying capacity, the physical TCC and the economic TCC, *but not necessarily the social TCC*, a level of daily visitors can be set and enforced that can easily reach 90–100,000 units.¹⁵ This level must take into account that the Venetian Civitas will then only fully express itself on the mainland ‘beyond the lagoon’, renouncing the transformation of the historic centre into modern forms other than those of tourist reception. This hypothesis punishes the local community but pleases the international one, which, as UNESCO de facto claims, only expects Venice to preserve the historical Urbs in order to show it tomorrow to visitors from all over the world. The contemporary Civitas is only a more or less useful accident, to be endured if it is functional for preservation and visitation.

The second ‘scenario objective’ is to maintain a share of inhabitants and non-tourist productive activities in the historic centre, which would thus not lose the characteristics of urban liveability due to the presence of a part of a Civitas fully integrated with the rest of the wider functional Venetian community.

This is a much more complex project, in part because it is forced to contrast the development path represented by the first scenario-objective.

Setting the conditions for a revitalising strategy

There are two sine qua non conditions that give credibility to this scenario-objective.

The first is the ‘antibiotic’ one of a carrying capacity limit set at a maximum of 50–60,000 visitors per day, to be kept dynamically equal to, or less than, the sum of residents and non-tourist employees in the historic centre (Costa, 2022). This limit would be reached gradually by a ten-year programme to facilitate the reduction of tourist beds and catering places and related services.

The second is the approval of the use of the lagoon for productive purposes capable of generating income comparable to that of tourist activities. This means strengthening Venice’s port and logistics activities at the scale of the Upper Adriatic integration so as to reintroduce the port of Venice into the global supply chains of Italian and European interest.

UNESCO should perceive such a hypothesis as functional for the revitalisation of a Civitas that maintains and animates the Urbs that it wants to hand down to posterity.

A project that would make the veins in your wrists tremble, but the only one that would entrust to the local community,

above all, the responsibility of keeping historical Venice alive, endowing it with a future role that would free it from the fate of ‘living only on the genius of its fathers and the curiosity of foreigners’ (Papini, 1913).

For, in the words of Shakespeare’s Coriolanus, ‘what is a city but its people?’¹⁶

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ARTICLE

Is a New Cultural Revolution Possible Today Based on Technology?

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Abstract

In the twenty-first century, the world will be increasingly multicultural and our societies more and more globalised. This will create many risks and challenges, but also many opportunities. The more global the world is, the more important cultural contacts and cultural networks between nations will be. And Europe is the continent that is once again leading in this regard. As a result of intensive immigration from Africa and Asia in the twenty-first century, a very interesting multicultural environment is being created. And if, in the second half of the twentieth century, a real cultural revolution was born on the streets of Europe which changed the world, the question is now: is it possible for this to happen again, only through social networks and new technologies?

In the twenty-first century, we are living in a world of drastic changes of every nature, which have no analogue in anything in previous human history. This gives humanity virtually unlimited opportunities, but it also entails many risks, threats, and challenges. And how the world will develop in this century depends on how humanity as a whole, and individual societies, will be able to adapt to changes. Europe once again stands at the forefront of significant global changes, asserting its leadership on the international stage. It is poised to experience phases that other societies will encounter in 40, 50, or 60 years, offering Europe considerable opportunities for advancement, alongside substantial risks. For the first time since the period often referred to as the Dark Ages (circa seventh to twelfth century), Europe’s pivotal role

in the advancement of human civilisation faces a profound challenge. This crucial juncture highlights Europe's potential to either leverage its avant-garde position or confront significant obstacles.

What is really happening to the world and Europe today? Assuming that the humanity is about 100,000 years old, as most anthropologists claim, then in 99,800 of them, no matter what the socio-political structures were, people lived identically: the severe struggle with the land to earn a living; the complete dependence on natural conditions; the excessively high mortality rate caused by wars, disease pandemics, and the complete absence of medicine; the extremely low average life expectancy (30–35 years). Most important of all was people's very limited horizon, limited by lack of education and information, by religious prejudices and superstitions – a horizon that only reached to the edge of the land of the village where you were born and would most likely, or to the neighbouring market or administrative centre (Harari, 2014). Today, for the first time, we have the freedom to travel around the world and to share information with technologies that allow us to know what is happening every minute in every place on the planet, ensuring the ability to communicate with people of all religions, races, and nations, to study and work how we like, and to live where we think we will have the best conditions for ourselves and our children. The world will continue to globalise, whether we like it or not, because barring a world war or other global cataclysm, technology will increasingly remove boundaries in space and 'shrink' the world.

As a result of all these changes in the twenty-first century, three entirely new demographic patterns of human thinking and behaviour arose in Europe 20 years ago. The first trend is a declining inclination to reproduce and lower and lower birth rates (all European countries have a fertility rate below two); the second is the accelerated ageing of the population (Table 1, in 2018, for the first time in human history, the number of people aged 65 and over was greater than the number of people under 5, and soon in Europe the average life expectancy will reach 90!); and the third is global population shifts as a result of migrations (UN, 2019)¹⁷. This means that in the twenty-first century we have two clearly distinguishable cultural layers: the classical conservative one of people over the age of 60 and the digital one of young people, especially the younger generation (Gen Z).

Multicultural Europe: culture as a bridge

The global movement of people is already beginning, and whether we like it or not, the march of globalisation, propelled by advancements in technology, transportation, and the internet, cannot be stopped (Figure 1). The global migration associated with the erosion of boundaries will lead to a total transformation of identities across different regions of the world (Bardarov & Tsvetkov, 2017).

Some identities, such as national identity, will gradually blur and be complemented by other identities. Multiculturalism is a process that is a direct consequence of globalisation and, no matter how many fears it generates, it cannot be stopped

Table 1 Life expectancy in the world, Europe, and selected European countries in 1900 and 2021

Source: Ourworldindata.org, Life expectancy, 1900 to 2021, <https://ourworldindata.org/grapher/life-expectancy?tab=table&time=1900..latest>

	1900	2021
World	32 years	71.05 years
Europe	42.7 years	77.03 years
Spain	34.3 years	83.4 years
France	46.8 years	83.2 years
Italy	43 years	83.1 years
Greece	38.8 years	82.2 years
Austria	38.6 years	81.8 years
Germany	45.1 years	81.1 years
Hungary	37.4 years	76.4 years
Sweden	52.2 years	82.9 years
Belgium	46.7 years	81.8 years
Bulgaria	40.2 years	71.8 years



Figure 1 International migrant population by world regions in 2020, in millions

Source: Pew Research Center analysis of United Nations Department of Economic and Social Affairs 2020 International Migrant Stock data, https://www.pewresearch.org/short-reads/2022/12/16/key-facts-about-recent-trends-in-global-migration/ft_22-12-16_global-migration_01

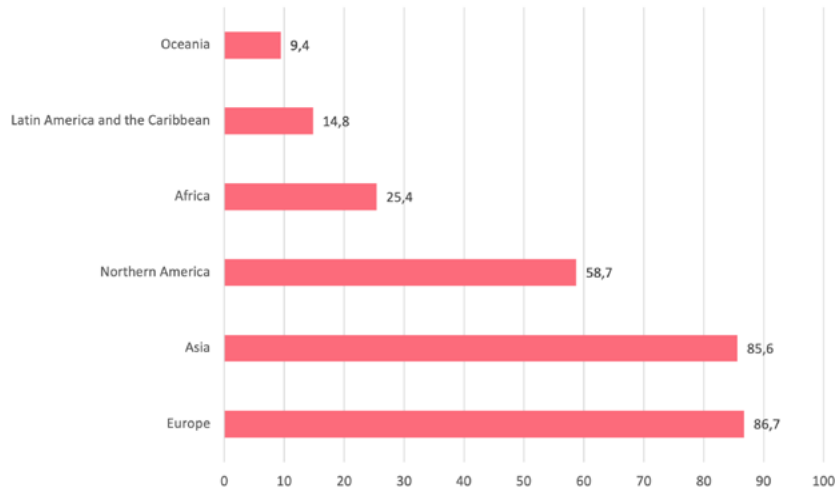
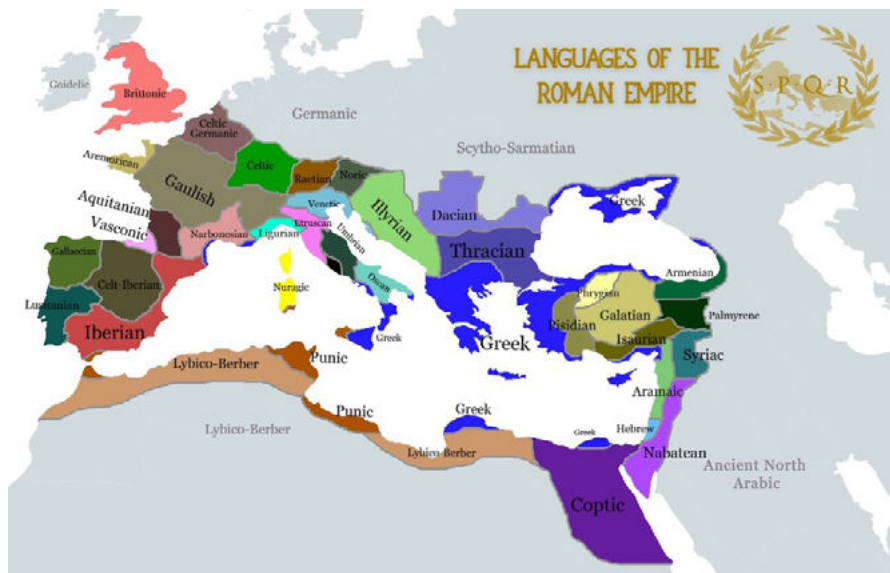


Figure 2 Languages spoken in the Roman Empire in the first century

Source: Reddit, <https://www.reddit.com/media?url=https%3A%2F%2Fi.redd.it%2Fum8t2ej9acf91.jpg>



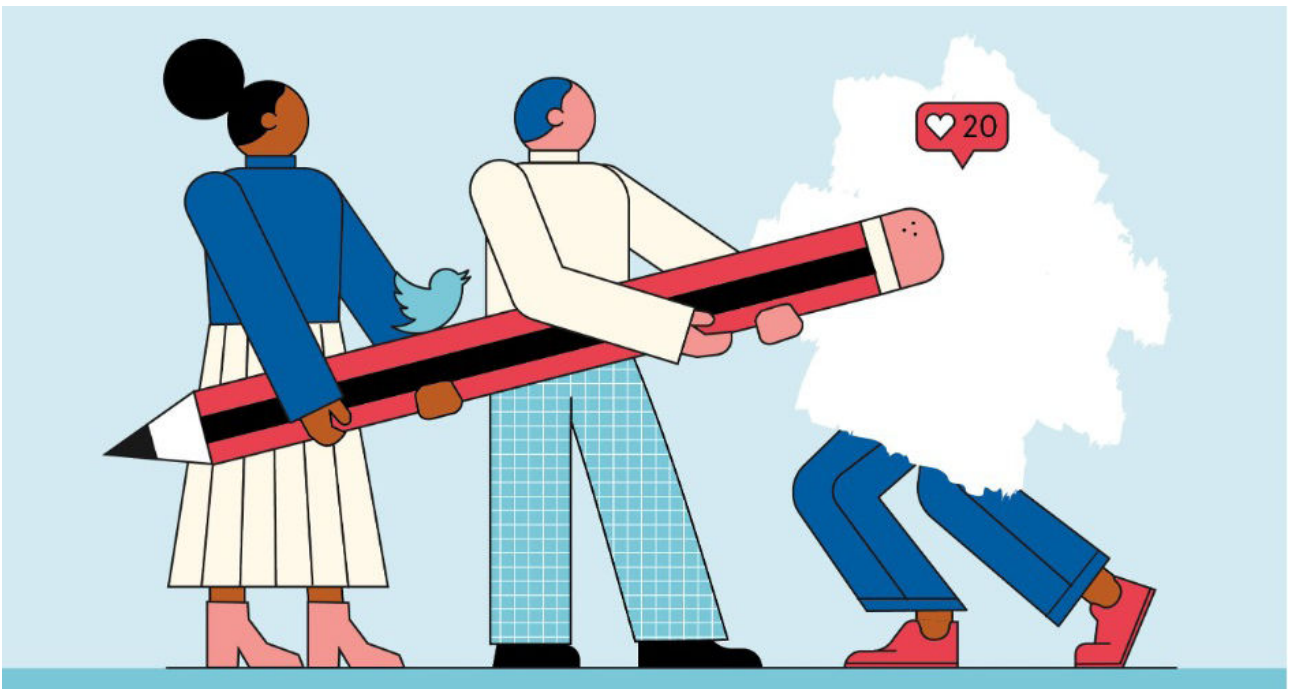
either. It is another question whether multiculturalism is a new phenomenon or a long forgotten old one in human history (Todorov, 2008). Multiculturalism by definition means people of different ethnicities, races, and religions, with different mother tongues, living in one territory in one equal or quasi-state entity (Antonov, 2020). Accordingly, the Roman Empire, the Holy Roman Empire, and the Ottoman Empire were definitely multicultural in nature (Figure 2).

The difference today is the large number of inhabitants of the world: only a thousand years ago, at the beginning of the second millennium, the entire population of the Earth was about 300 million; today we are over 8 billion, and by the middle of the century we will exceed 10 billion (Diamond, 2005). Europe is increasingly becoming a multicultural model of the future world. In such a situation we can predict that by 2050 there will be about 100 million people living in the EU, or about 20 per cent of the total population, who will be fully or partially

Figure 3 To the barricades: on 30 May 1968, the unions led 400,000 to 500,000 protesters through Paris chanting 'Adieu, De Gaulle'
Source: Common/edge, <https://commonedge.org/what-todays-marchers-can-learn-from-the-may-1968-protests-in-paris/></short-reads/2022/12/16/key-facts-about-recent-trends-in-global-migration/ft_22-12-16_global-migration_01



Figure 4 The symbolism of 'cancel culture'
Source: Raconteur, <https://www.raconteur.net/talent-culture/cancel-culture-diversity>



(from mixed marriages) of non-European origin (Bardarov, 2012). The change is already visible on the political level. Suffice it to mention Rachida

In the context of the contemporary world and the spirit of this article, some of the most important projects that we can present as positive European cultural models are related to the Creative Europe programme.

Dati, French Minister for Integration and National Identity; Ahmed Aboutaleb, the first Muslim mayor of a major Western European city (Rotterdam); Sadiq Khan, two-term mayor of London, who is from a mixed Pakistani–British marriage; UK prime minister Rishi Sunak, who is of Indian origin; or the first minister of Scotland, Hamza Yusuf. We can look at the national football teams of France, the Netherlands, or England and see how they are actually connecting cultures.

From Paris 1968 to Brussels 2023

The famous British historian and political scientist Tony Judt (2005, p.390) made the insightful observation that ‘moments of great cultural significance are often appreciated only in retrospect’. Such a moment was undoubtedly 1968, when two significant events for Europe and the world took place: the first was the protests in Prague against the despotism of the socialist dictatorship and the population’s lack of freedom, best illustrated by the slogan ‘socialism with a human face’, and the second was the mass protests on the other side of the Iron Curtain in Paris (Figure 3). The events in Prague marked the beginning of the fall of socialism, the events in Paris the birth of a real civil society that is not afraid to take to the squares to defend its human rights and to act as a corrective to government power.

In both cases, although the protests were bottom-up, that is, by the people against the government, they were inspired and led by leaders who made their unique mark on the cultural history of Europe. In the East they included Milan Kundera, Miloš Forman, Pavel Kohout, and Václav Havel, and in the West they included Claude Lévi-Strauss, Michel

Foucault, Fernand Braudel, and Michelangelo Antonioni, among others. Many changes were happening in Europe at the time, but the basis of everything was a cultural revolution; it changed people’s way of thinking and their value system (Judt & Snyder, 2012). It gave the opportunity to larger and larger masses of people to find a way to express themselves and to prove for the first time that culture and history can be made by ordinary people and not only by privileged elites. Elitism remains irrevocably in Europe’s past; egalitarianism marked a new Europe, and later the whole world. One of the main factors is that education is becoming

more accessible to people, improving living standards and an indicator of a developed society. As a consequence, culture has been democratised, permeating all layers of social and societal life.

One of the great questions of our time is whether another cultural revolution can happen in Europe now, in the age of technology, the internet, and floods of information from everywhere, and who will be the new Michel Foucault, Claude Lévi-Strauss, Milan Kundera, or Václav Havel? Today the ghost of a revolution seems to be only a vague memory of the past. Young Europeans do not recognise their new heroes, leaders, and inspirers. Yes, today anyone can make ‘culture’ on the internet and social networks, but it lacks that spark that can inspire and ignite people and bring about revolutionary changes. Or is it just that today the real revolution is happening not on the streets and barricades, but on the internet? The line is very blurry (Figure 4).

Positive European cultural models

In the context of the contemporary world and the spirit of this article, some of the most important projects that we can present as positive European cultural models are related to the Creative Europe programme.

For the period 2015–2020, among the most interesting and important projects reflecting the nature of multicultural, digital Europe are:

The International Young Makers in Action (IYMA), a European network of seven theatre and dance festivals, offers an international platform to emerging performing artists. In two years’ time,

close to 300 young artists travelled to all partner festivals. They put on a total of 70 productions in 101 international shows, participated in numerous workshops, were visible online in streamed performances and online festival radio and TV, and did residencies or created work with artists from other countries on the spot. They also produced site-specific productions and content that was broadcasted online).

The European Digital Art and Science Network (Figure 5) can proudly point to a host of substantial accomplishments, including a total of 128 activities showcasing 381 artists from 40+ countries.

The artistic practice of experimental appropriation of new technologies and their reflective potential for innovation established connections to creative industries and non-artistic disciplines in order to trigger further fields of employment for both artists and cultural institutions. This project underscores the significance of the European cultural landscape's diversity).

ENTR – what's next (We value differences, celebrate commonalities, and connect people with diverse backgrounds across Europe. We are a European content creator network, producing journalistic content with a European dimension for social media. ENTR provides a space for open discussions about our present and common future in many European languages, showcasing the richness of diverse perspectives in Europewhat).

Sharing a World of Inclusion, Creativity and Heritage (an artistic investigation into the root causes of fragmentation in Europe. The aim is to contribute to more solidarity by highlighting cultural practices that bring unusual groups of people together, connecting these practices and scaling them across the continent).

These are among the many projects that stimulate cultural diversity in Europe in the digital age and open the way to young people for a tolerant, multicultural, and vital Europe of the twenty-first century.

Figure 5 Logo on European digital art and science network

Source: Center for the promotion of science, <https://int.cpn.edu.rs/en/art-science/>



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ARTICLE

The Second Stage of the Erasmus Rocket

A New Mindset in Cultural Policy-Making

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Abstract

How does the paradox of European cultural policy-making prevent European citizens from embracing a genuine European demos? Although Erasmus is widely considered to be a great success, having led millions of young Europeans to discover another Member State and often to settle there, the nearly 20 million Europeans living abroad in the European Union and their contributions seem to have been neglected. The cultural policies designed and implemented by the European institutions either encourage partnerships between structures based in different countries or support democracy through actions that include disadvantaged sections of the population in one country. At a time when Brexit has shown the potential for rejection by other European citizens and as international tensions are generating ever greater threats, the European Union must be vigilant in ensuring the cohesion and solidity of a European spirit within each of its Member States. We must take care not to miss the second stage of the Erasmus rocket.

Introduction

Erasmus+ is acknowledged as one of the major successes – if not the main one – of European integration. Since the programme was created in 1987, it has allowed 12.5 million young people to gain first-hand experience in another Member State. Every year, more and more people take advantage of the opportunity, with 1.2 million participating in 2022, and the budget has increased by 80 per cent for the 2021–2027 multi-year plan.¹⁸ The objective for this period is to see 10 million young people living and studying in other countries – as many as during the first three decades of the programme. European institutions, the Council, the Parliament, and the Commission are conscious of the popularity of this programme and of

the benefits of so many young Europeans knowing one another personally.

This certainly contributes to the fact that the number of Europeans living in another country is constantly increasing, reaching 17.6 million in 2018, with annual growth of 5 per cent (RTBF Actus, 2020). This means that around 5 per cent of European citizens currently live in another Member State.

But are we not missing the second stage of the Erasmus rocket? Are we sure that European cultural policy-making does not prevent European citizens from embracing a genuine European demos and doing what needs to be done to foster it?

European cultural policy: legal instruments and driving principles

While we have no proof that Jean Monnet actually said 'if I had to do it all over again, I would start with culture' (Bossuat & Wilkens, 1999: 435), cultural policies are seen as a way for Europeans to get to know each other better and develop a sense of belonging to a European people. In 2017, for the celebration of the 60th anniversary of the Treaty of Rome, the European Council declared that '[They] want a Union where citizens have new opportunities for cultural and social development and economic growth. ... a Union which preserves our cultural heritage and promotes cultural diversity' (Euronews, 2017). In 2018, the Commission responded to this wish and introduced a New European Agenda for Culture.¹⁹

As culture is a competence shared by the Union and the Member States according to article 167 of the Treaty on the Functioning of the European Union,²⁰ the Agenda includes several recommendations but also some common actions. Based on the fundamental assertion that cultural participation brings people together, the focus was on fostering the cultural capability of all Europeans; encouraging the mobility of professionals in the cultural and creative sectors; and supporting culture-based creativity in education and innovation for jobs and growth and strengthening international cultural relations (Euronews, 2017).

The list of proposals was devised before the COVID-19 pandemic. In

their responses in 2020, the Council and the Parliament praised the desire to strengthen the role of culture within the Union but added a concern for the situation of cultural agents, most of whom are small structures, and for the well-being and mental health of citizens through cultural practice or experience.

None of the resolutions, conclusions, or communications from the three institutions from 2018 to 2022, which respond to each other, include any mention of the development of European communities in other Member States, or of the possible synergies between them. Nor is it made explicit in the Porto Santo Charter initiated by the Portuguese presidency in April 2021, which is intended to be an official launch of the commitment to a cultural policy to strengthen democratic values.²¹

This joint declaration, signed by 16 Member States plus Norway, and 18 associations and foundations, reiterates the role of culture in preserving a healthy democracy and the importance of both the democratisation of culture and cultural democracy, while distinguishing between the two concepts. The aim of this joint commitment is to promote European cultural citizenship through a series of recommendations to public officials, cultural and educational organisations, and citizens. Once again, none of them specifically target Europeans living in another country.

The organisers of the Conference of Porto Santo, the Portuguese presidency of the Council, and the National Plan for the Arts underline that this event was 'the beginning of dialogue across Europe, joining government officials, experts, networks, organizations and practitioners'. A second conference was held in November 2023 with increased participation by young people to promote their cultural rights in a democratic society and, specifically, the role of cultural and artistic education for the development of cultural citizenship.²²

Are we not missing the second stage of the Erasmus rocket? Are we sure that European cultural policy-making does not prevent European citizens from embracing a genuine European demos and doing what needs to be done to foster it? →



Photo by Armin Rimoldi on Pexels

A missing piece of the puzzle: synergies between cultural communities

As can be seen from these examples, Member States and the European institutions want to strengthen the role of culture within the Union and have shown their commitment by increasing the budget for Creative Europe, the flagship programme for the Union's cultural policy, by one billion euros, to 2.44 billion euros in the European Union's financial framework for 2021–2027.²³ The status of the artist, the inclusivity of the population, diversity education, and respect for multilingualism are some of the priorities underscored by both the Parliament and the Council for this period.²⁴

As culture is a shared responsibility with the Member States, the Union contributes to the flowering of the cultures of the Member States while promoting their diversities. Thus, the Commission can only fundamentally facilitate cooperation between the countries' cultural agents. This is also why the Council asked the Commission to use the open method of cooperation to implement the New European Agenda for Culture.²⁵

Through its culture and media strands, Creative Europe has developed platforms to facilitate long-term cooperation and create networks that cover all areas of culture. The potentially funded projects are either those focusing on targets for inclusion or those involving players from several European countries and creating long-term partnerships. The same principle led to the creation of the European university networks.

This mindset is shared by other major cultural players in the European Union such as the European Cultural Foundation (ECF), which has initiated The Europe Challenge (2023). For this new edition, 55 associations of libraries and communities from 24 countries have been selected according to a project which addresses various challenges facing Europe such as social isolation, inequality, and disinformation. None of the projects, even those presented by the library of a European cultural centre in France, mention any European communities.

This may explain why the only reference made to the EUNIC, the network of European cultural centres, in the communications and resolutions of the three institutions is found in the section devoted to cultural diplomacy and relations with third countries.

The paradox of European cultural policy

Despite all its efforts to support culture as a force for inclusion and democracy and to promote the cultures and languages of the Member States by creating links across borders, the European Union does not seem to pay attention to the contribution of the European diasporas in the countries of the

Member States and the European institutions want to strengthen the role of culture within the Union and have shown their commitment by increasing the budget for Creative Europe, the flagship programme for the Union's cultural policy

Union or to develop their synergies in favour of a European demos based on a common culture.

The paradox is that the European Union, through the settled programmes, cannot, for example, support a project run by associations of Lithuanians, Cypriots, and Belgians, or a co-production between Irish, Bulgarian, and Finnish cultural centres, because they are all legal structures in the same country.

By sticking to this principle, the European Union risks missing out on the second stage of the Erasmus rocket. In other words, now that millions of Europeans have settled in another Member State, thanks in particular to Erasmus, Schengen, and the fundamental freedom to move within the Union, their cooperation has to be fostered and their contribution must be valued. Otherwise, the Union faces the risk that there could be a confrontation between some of these communities or a rejection by the host country citizens, as sometimes happened in the United Kingdom prior to the Brexit vote.

This lack of cooperation among European expats and valorisation of their contribution also depends on factors independent of European policy-making. Cultural centres and even some diaspora associations are funded by their country of origin, which results in bilateral projects. These players work either for their community to ensure solidarity, develop cultural pride, or maintain the feeling of national belonging, or for the citizens of the country of residence to spread awareness, improve the group's image, and facilitate integration. With a few rare exceptions, social or cultural events of one country do not attract citizens from all the other Member States.

However, in order to accept the European Union and the agreements and compromises it implies between Member States, Europe's citizens need to know and understand each other. Many European conferences and debates are organised, especially in May, to celebrate Europe day. But, thanks to or



because of Erasmus, Creative Europe, and Schengen, these occasions also draw in participants from other Member States who live nearby. This is seen most clearly in big cities but is not limited to them.

Nurturing the European demos

The contribution of European expatriates to another European country should be valued in such a way that the citizens of the host country celebrate their presence and the mixing of different European nationalities, whether it is an economic, financial, scientific, research, educational, sports, or, of course, cultural contribution.

Once again, culture is key. Cultural events involving European artists provide opportunities for citizens of several nationalities to meet each other, understand their differences, and share common values. Media, and especially digital ones, should be encouraged to cover such events, as the European Cultural Hub in France does.²⁶

Co-productions by cultural agents or joint events of associations of different European nationalities in the same country, or even the same city, should be favoured to facilitate working together and co-producing works. Such an idea is similar to the ninth recommendation of the Porto Santo Charter but without the trans-European specificity.²⁷

Clearly there have been some spontaneous initiatives, but they do not have a European label nor funding. In France, we could quote 'La nuit de la lecture' or 'jazzy colours', annual events organised by the FICEP (Forum des Instituts culturels étrangers à Paris),²⁸ which co-creating shows between the cultural centres. But, actually, the scope of countries involved is broader than the European Union.

Policy suggestions

That is why the EUNIC clusters should be strengthened in the Member States to foster synergies and cooperation between the European cultural centres and to multiply operations, such as the paths of famous Europeans in a city or a stroll through a city's European libraries, as have been generated in Paris.²⁹

The 'Maison de l'Europe' in France,³⁰ or the Europe Direct Centres, should transform into the 'Maison des Européens' in order to foster the activities of associations representing the diasporas and pool resources. Having these associations gathering in the same place would naturally lead the members to mix and cooperate, especially regarding cultural heritage or creation.

Finally, the criteria for EU programmes such as Creative Europe, Erasmus+, Horizon Europe (Cluster 2 'Culture'), and the New European Bauhaus should be relaxed so that entities representing Europeans of several nationalities can work and create together, even if they are legally settled in the same country.

As can be seen from these suggestions, a slight change in the interpretation of the Treaties – or perhaps in mindsets – would be all that is needed to strengthen cooperation between Europeans and those involved in the cultural field, to make greater use of the contribution made by European communities, and to ensure that Europeans feel bound together by a common demos.

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ARTICLE

How Europe can deliver on the freedom of movement of knowledge

—
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Introduction

Libraries are an essential part of Europe’s infrastructure for delivering on the recognised human rights to culture, education and research³¹. Through this, they contribute also to economy-wide creativity and competitiveness. Yet their potential is currently far from being fully realised, in particular at the European level. Indeed, the gap between what is possible, and what is being achieved is arguably growing, in line with the gap between what laws and technology respectively allow these institutions to do.

Crucially, as this article argues, libraries are dealing with an increasingly complex legislative and regulatory environment. This is not by design, but rather the result of a mix of messy compromises in dedicated legislation, and layers of rules aiming to regulate the wider digital space which have neglected the needs of libraries and their users.

The article starts with a brief introduction to the work of libraries, and specifically how their traditional roles translate into practical activities, as well as the impacts of the shift from analogue to digital as the primary channel for knowledge creation, sharing, access and use. Then, it explores relevant recent EU legislation, and in particular the impacts of the failure to prioritise library users’ rights to education, culture and research. Finally, it advocates for a stronger prioritisation of the freedom of circulation of knowledge as part of the ongoing development of the Single Market, and policy measures that could help achieve this.



Connecting Libraries, Culture, Research and Education

There are almost 150 000 libraries of all types in the European Union³². They share a commitment to providing access to information both as a right in itself, and as an enabler of other rights. Their roles, often set out in law³³ cover culture (in particular around preservation and maintaining the historical record³⁴, national language and cultural participation)³⁵, research, education, and wider access to information.

Many of these activities involve working with works that are covered by copyright. To enable their work, libraries typically have the possibility, through legislated copyright exceptions or otherwise³⁶ to:

Build collections: libraries acquire books and other materials through buying them on the open market, donations or otherwise, aiming to build collections that reflect the communities they serve³⁷.

Preserve: libraries conserve existing works, or take preservation copies.

Access: libraries offer possibilities to read works in their collection, either to their own users or to users of other libraries (through lending, inter-library loan, or on-site access).

Use: libraries have generally drawn on the materials in their collections in order to support education and research, as well as wider access to information.

Libraries are generally expected to provide a service to the whole of the community served, making access and uses possible for all³⁸. This helps meet demand that would otherwise not be met, as well as delivering on a clear human right. Crucially, they do this in a way that is intended (through access under certain restrictions, and on the basis of legitimate initial purchase or licensing of works) to achieve this without jeopardising creators' interests³⁹.

The advent of digital uses, although uneven between sectors⁴⁰ has led to significant changes to what is possible and (potentially as a result of this) what is expected by users⁴¹. Concerning what is possible, new ways of using works held in library collections are emerging. A high-profile example is text and data mining (TDM), in effect the automated 'reading' of texts in order to extract meaning (or at least trends). This has immense potential to enable forms of research that previously might have taken years for a team of researchers^{42 43}.

The digital transition has also made it practically possible to enable access to those who would not otherwise be able to travel, bringing inclusion dividends⁴⁴, as well as to enable cross-border collaborations in research and education⁴⁵. Meanwhile,

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digitisation offers exciting possibilities to upgrade preservation efforts, although given costs, can require collaboration to make sense⁴⁶.

However, these are arguably not substantively new activities, but rather new variants on traditional ones. Indeed, in an increasingly digital world, they are at the heart of what a library needs to be if it is to serve its users. Yet despite this, the digital transition has exposed how analogue the design of the laws and regulations in this space remains.

Challenges include restrictions on numbers of copies (given that digital uses imply making many, just to allow one to be visible to a user)⁴⁷, the new copyright implications raised when giving access to digital versions of library books⁴⁸, and whether existing laws on lending⁴⁹ also cover digital books⁵⁰. In the latter case, it took a judgement of the Court of Justice to provide clarity, but the resulting judgement has still not been implemented in national law⁵¹.

A particular issue is that whereas physical works are sold outright, digital ones are often accessed under licences⁵². Libraries regularly simply face refusals to licence from rightholders who prefer only to sell only to those individuals, despite the equity implications⁵³. Meanwhile, even where licences are available, freedom of contract can mean that libraries often end up signing away possibilities granted to them under law⁵⁴.

Additionally, the rise in cross-border collaboration between the researchers that libraries serve throws new light on long-standing issues around the lack of coherence between the legal frameworks for libraries in different countries⁵⁵.

The situation overall is therefore one of disconnect between the practically and legally possible, and with this, only stuttering progress along the road to ensuring truly European access to culture, research and education, or equal fulfilment of rights across Europe, and the competitiveness and human rights benefits this would bring.

Photo by Polina Zimmermann on Pexels



The Legislative Response

To be clear, the EU has legislated around rights to culture, research and education. However, this has not always provided effective support for libraries in the digital age, while other laws have inadvertently created costs.

For example, the Rental and Lending Directive⁵⁶ has played a useful role in underlining the need for libraries to enjoy certainty in their right to lend, and in setting out where and when there should be compensation for this. It is also the key legal text in question in the landmark VOB vs Stichting Leenrecht judgement in 2016, which saw the Court of Justice suggest that, at least in this case, there could be a parallelism between the analogue and

To be clear, the EU has legislated around rights to culture, research and education. However, this has not always provided effective support for libraries in the digital age, while other laws have inadvertently created costs.

digital activities of libraries⁵⁷. Nonetheless, lack of protection against contract override and digital locks represent a weak link.

The Orphan Works Directive of 2012⁵⁸ looked to address the fact it was not possible to identify or locate a rightsholder who could give permission to use large shares of library collections for education and research, beyond what was already possible under exceptions to copyright⁵⁹. However, this effort was fatally undermined by the complex process required to determine orphan status advocated for by rightholders, thereby sacrificing access to culture, education and research⁶⁰.

Looking to more general copyright-relevant legislation, the key reference text is the Information Society Directive (InfoSoc) of 2001⁶¹. This set out a number of relevant provisions, which nonetheless suffer from the fact that they remain optional for governments, risking variation in frameworks between countries⁶².

Teaching and research are covered in article 5(3)(a), but this contains a number of weaknesses⁶³, notably lack of certainty about what illustration means,

and whether the Directive refers to illustration for teaching and illustration for research, or just for research in general⁶⁴. Furthermore, the limit of this provision to non-commercial uses makes life difficult for research centres with strong knowledge transfer agendas, as well as the more basic question of how far Europe wishes to encourage the emergence of new research-intensive businesses which use legitimately accessed works used in ways that do not compete with original markets⁶⁵.

The exception for general library uses is helpful as concerns preservation activities, but says nothing about access (which is vital in order to justify the expense of preservation)⁶⁶, and left questions about the legality of digital preservation. Finally, there is the possibility for libraries to let users view digital works in their collections via 'dedicated terminals', although this does not work for users wanting or needing to use their own devices or access works remotely⁶⁷.

The 2019 Directive on Copyright in the Digital Single Market (DSM Directive)⁶⁸, added provisions on text-and-data mining (Articles 3 and 4). Crucially, these include protect against the risk of undermining by contract terms or technological protection measures (Article 7). However, they fall to some extent into the same trap as the InfoSoc Directive by retaining the artificial boundary between commercial and non-commercial research, and creating the possibility for large parts, if not all scientific literature being 'opted out'⁶⁹.

The education provisions (Article 5) do explicitly address digital learning, but again can easily be undermined by obliging licensing, even for non-competing uses. Additionally, the text is limited to formal institutions, and so informal and non-formal learning providers like libraries are not necessarily covered⁷⁰.

Article 6 allows for digital preservation, again with protections against override by contract terms and TPMs. This will certainly help provide reassurance about the legality of digitisation projects, including though cross-border networks, but does not address access, and excludes licenced materials (and so a large volume of born-digital)⁷¹.

Access is on the agenda in the articles on out-of-commerce works (8-11), by facilitating either extended collective licensing (ECL) in some circumstances, and use of an exception in others

(plus opt-out possibilities for creators). This has potential, but the Orphan Works Directive experience is cautionary; too tough a process will chill use, while there is inconsistency in how far ECL is being enabled, and little guarantee of Europe-wide licensing⁷².

In sum, Articles 3-11 of the Directive represent a step towards enabling libraries to deliver on access to culture, research and education, although not without loopholes.

Other elements of the Directive highlight a parallel question however: consideration of libraries, culture, research and education in wider digital legislation⁷³. For example, the DSM Directive's provisions on liability for content on online content sharing service providers were introduced without reflecting⁷⁴ that the repositories used for open access articles and open educational resources might also be covered⁷⁵. The idea of having to face liability is daunting for hosting institutions, and could otherwise have led some to withdraw their services⁷⁶. It took significant lobbying to ensure a clear exemption.

This is a recurring problem. A review of impact assessments indicates that there is a wider trend of simply not considering research and education at least at the impact assessment and drafting phases of legislation⁷⁷.

For example, the Data Act Impact Assessment focused primarily on the value of providing access to data for new businesses and consumer rights, but only considered researchers as potentially needing access in case of emergencies, via governments. The Digital Services Act impact assessment includes even less consideration, despite covering similar issues to the DSM Directive. The impact assessment for the AI Act does at least consider to some extent impacts on science, but does not reflect the fact that much cutting-edge AI research takes place in universities and research centres. Some of this may be due to the very limited emphasis on public-sector research in the current Better Regulation Toolkit.

In sum, EU legislation explicitly targeting libraries and their users exists, but by treating their activities as exceptions, leaves loopholes. Meanwhile, the wider EU legislative agenda too often simply neglects their needs.

A fifth freedom?

This final section looks at how the EU level can move to address this challenge. The basis for the European Union's work on research, technological development and space is provided in Article 179 TFEU(1)⁷⁸, which underlines:

1. The Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and

technology circulate freely, and encouraging it to become more competitive, including in its industry, while promoting all the research activities deemed necessary by virtue of other Chapters of the Treaties.

Meanwhile, Article 165(2) TFEU underlines that the goals of the work of the Union in education should include 'promoting cooperation between educational establishments' and 'encouraging the development of distance education', while Article 167(2) TFEU notes that work on culture should lead to the 'improvement of the knowledge and dissemination of the culture and history of the European peoples'.

A common theme is the idea that the European Union also has a vocation to support the freedom of circulation of knowledge. This is associated with supporting competitiveness, promoting quality education, celebrating shared heritage, and delivering on wider policy goals.

In short, the freedom of circulation of knowledge in support of access to culture, research and education represents a fifth freedom that is more and more relevant in a world where Europe's competitiveness depends on its ability to generate, mobilise and deploy knowledge⁷⁹.

A number of possibilities for legislative and non-legislative action around this can be identified from the work of the Knowledge Rights 21 campaign⁸⁰, which brings together the experience of libraries and the communities they serve.

At a strategic level, knowledge represents an exciting and promising new frontier in the development of the Single Market, and one that could well be better affirmed as a policy and political priority. Any such drive could be complemented by learning from Japan and others, and establishing a body responsible for intellectual property strategy in the digital world⁸¹. This which would monitor how rules around copyright and other intellectual property rights can be best designed to deliver on competitiveness and wider policy goals. We also argue that digital content markets for libraries and users represent a strong potential area for a competition sector inquiry⁸².

In parallel, a revision to the Better Regulation Toolkit would help correct the neglect for culture, education and research, in particular in the public sector⁸³. It is possible that the EU will also need to revisit the 'Innovation Principle'⁸⁴ to ensure recognition of the role of public-sector research, and ensure research voices are better heard in reviews.

Updates to copyright law would help. There is a strong case for the EU to explore adopting more open norms, following the example of other civil law jurisdictions which have done so to support competitiveness and rights without upsetting the balance inherent in copyright laws⁸⁵. Linked to this, Europe could remove the unnecessarily rigid distinction between





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commercial and non-commercial uses, for the reasons set out earlier. Such distinctions are unnecessary if there are means in place to control any uses that conflict with market exploitation⁸⁶.

Provisions in copyright statutes favouring library users' activities should be enforceable against TPMs and contract terms, as already touched on by the DSM Directive. With such a large share of knowledge now accessed digitally, these safeguards are essential. Some countries have looked to support enforceability across the board already⁸⁷, but these protections are far from universal⁸⁸.

An additional point linked to the power of contracts is around a potential right of fair access. As underlined earlier, this remains a challenge for libraries⁸⁹ and researchers in general⁹⁰. While recognising that that definitions of 'fair' will require further work, the EU could make a major difference by starting to act in this field.

Finally, the EU could act to avoid the chilling effect that complexity and uncertainty around copyright imposes on librarians by limiting liabilities faced for infringements when acting in good faith, and despite best efforts⁹¹.

Before concluding it is worth highlighting the role of the Open Access movement, which has grown extensively out of rejection of scholarly communication business models based on maximising revenues by restricting access⁹². This has had notable success, becoming the dominant model for enabling knowledge circulation for research in many disciplines⁹³. It nonetheless remains a work in progress, with significant efforts, not least by the EU, in order to drive culture change, provide public and community-owned infrastructures, and find ways to ensure equity^{94 95 96 97}. Current areas of focus here include both support for 'bottom-up' efforts to support the retention of rights and open licensing by authors and institutions⁹⁸, and 'top-down' secondary publishing rights, which ensure that publicly funded research is publicly available⁹⁹. In both cases, the emphasis is on reasserting the priority of the freedom of circulation of knowledge.

Conclusion and look ahead

The possible areas of focus set out in the previous section offer a starting point for reflection on a new approach in the way that the European Union looks to develop its competitiveness, as well as to deliver on the rights of its citizens. They draw, nonetheless, on priorities and provisions that already exist in the *acquis* – not least the goal of freedom of circulation of knowledge – but that have too often been, by accident or design, not been seen as top-level priorities.

Crucially, they represent practical steps in the direction of a refocusing of lawmaking on the economic and rights imperative of upholding the rights to culture, research and education, alongside other relevant policy priorities. They would also offer a route to legislative sustainability, by building in the flexibility and structures necessary to adapt to future evolutions in the way that knowledge is created, shared and applied.

Returning to the definition of libraries provided at the beginning as crucial backstop institutions in ensuring that no-one needs to be excluded from access to knowledge, the steps proposed would also likely have an important equity dividend, ensuring that Europe's libraries can continue to fulfil their mission into the future.

SHORT ARTICLE

Cross-Disciplinary Cultural Programming

Timișoara's Experience as the European Capital of Culture

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Bright Cityscapes

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In 2023, the title of the European Capital of Culture was held by Timișoara, Romania, alongside Veszprém, Hungary, and Elefsina, Greece (Timișoara, 2023). Timișoara's experience with a cross-disciplinary approach to cultural programming can serve as an inspirational reference point for advancing innovation and critical thinking for urban settlements across Europe (European Commission, 2022).

The city of Timișoara is an important hub for innovation, industry, and manufacturing within Romania. The city is the second most attractive for foreign direct investment after the capital, Bucharest. It is also the largest academic centre in western Romania, with significant cultural importance and a large architectural complex of old buildings and historical monuments.

Timișoara European Capital of Culture (TM2023) has brought 'a wave of funding and public attention unparalleled in the city's history' (Mateescu, 2023). Among the most remarkable cultural programmes within this framework was 'Bright Cityscapes' (Bright Cityscapes, 2023). Its primary objective was to identify and address the city's main urban challenges by establishing a design laboratory that facilitates dialogue among diverse professionals and community members.

The rich cultural capital was set to benefit the city in a wider socio-economic sense: addressing urban challenges, promoting cultural diversity, and striving for long-term impact through innovation and creative solutions. The programme's foundation was deeply embedded in the socio-cultural fabric of Timișoara, capitalising on local expertise and building bridges between three of Timișoara's worlds – industry, academia, and culture. These worlds intersect but do not always align synergistically.



'As a city with a rich multicultural history, Timișoara's diversity has always been the foundation of our prosperity. Diversity leads to innovation; innovation leads to prosperity. For centuries, the peaceful coexistence and collaboration of various ethnicities have made Timișoara a city of firsts in the region.'

In 2023, by becoming European Capital of Culture, Timișoara showed that we can imagine a creative, prosperous, and solidary future, and not only for our city, but also for Europe. A future of Europe where our unity is built on our diversity and imagination, and in which multi-ethnic, courageous, and innovative stories like Timișoara's can inspire and enrich Europe. The Bright Cityscapes programme showcases the power of imagination in addressing urban challenges across Europe at the intersection of the worlds of industry, academia, and culture, striving for innovation and long-term impact.'

DOMINIC FRITZ, MAYOR OF TIMIȘOARA

Bridging universities, creatives, and businesses

This task was addressed by forging unexpected, out-of-the-box collaborations among the sectors. The major umbrella collaboration took place between the Politehnica University of Timișoara and the independent cultural centre FABER. However, the programme has also engaged tutors and students from the Design Academy Eindhoven and TU Delft in The Netherlands; a team of researchers in sociology, data science, history, and organisational ethnography; and numerous local companies from the manufacturing, automotive, and chemical sectors.

The programme offered a diverse array of tools that underscored the interconnectedness of design, economics, and daily life. It hosted three public exhibitions, each with a distinct agenda, yet all converging towards a common goal: understanding the urgent needs of the city and transforming it into not only

a hub of industry but also a focal point for critical thought, economic development, and cultural expression in Europe.

Thus, the 'Mirroring the Ecosystem' exhibition showcased locally manufactured products while questioning their relationship with the broader regional and European economy. The 'Turn Signals – Design Is Not a Dashboard' exhibition demonstrated the potential of cross-disciplinary collaborations among IT, automation, and construction researchers, artists, designers, and local businesses, emphasising the need for innovation in a rapidly digitising and globally interconnected manufacturing landscape. With a broader educational objective and within the European academic context, the programme also introduced a pedagogical approach aimed at nurturing autonomy and freedom among students, highlighting the importance of collaborative interaction. The programme's third exhibition, 'Atlas of Distances', aimed to demonstrate, through nine student artistic installations, the pedagogical framework that prioritised experimentation, the questioning of urban challenges, and the embracing of diversity.

Implications for the future

As a showcase for TM2023, Bright Cityscapes was not envisioned as a stand-alone programme but rather as the beginning of a conversation, a methodology for cultural programming with long-term impacts. It challenges conventional views of design thinking while emphasising its potential to uncover hidden signals and opportunities for urban change.

Bright Cityscapes' multidisciplinary approach also involved collaboration with data analysts and sociologists to analyse the specifics of Timișoara's economy. The resulting projects addressed the impact of global phenomena on local experiences, knowledge exchange, and the effects of digitalisation and automation.

The Bright Cityscapes programme in Timișoara saw a variety of stakeholders attempt to establish where the intersection of industry, academia, and culture in the city lies (Vasiliu, 2023). Through its cross-disciplinary methodology, the programme continues to foster innovation, knowledge exchange, and a holistic understanding of the challenges and opportunities in Timișoara's urban development and design landscape.

Norbert Petrovici, a sociologist and coordinator of the Bright Cityscapes research team, looked into how the programme's collaborative and multidisciplinary approach can help chart a way forward for Timișoara: its economy, its urban and economic development, and its academic, cultural, and industrial landscape (Petrovici, Alexe, & Bejinariu, 2023). He outlined the potential for Bright Cityscapes to influence Timișoara's policies in a number of areas:



- **Emerging technologies and design innovation:** The programme seeks to explore the impact of automation, Industry 4.0, and artificial intelligence on Timișoara's manufacturing sector.
- **Talent retention and collaboration:** The programme ideally will lead to the exploration of collaborative opportunities among local industries, design firms, and government bodies to foster economic growth, job opportunities, and entrepreneurship.
- **Sustainable economic development:** further collaborations within the programme allow for incorporating sustainable practices and green technologies in local industry.

-Timișoara European Capital of Culture 2023 facilitated the development of cross-disciplinary approaches to an extent that is uncommon in cultural programming. It unleashed the potential of creatives and academia to forge connections with the manufacturing sector, the local community, and European professionals. Such fostering of collaboration, innovation, and collective growth has laid the groundwork for sustainable long-term impact. It is an insightful and fruitful format that will be further explored and replicated in other European cities.

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ENDNOTES

Section 2

- 11 The ambiguity stems from the erroneous idea that the Venice lagoon is a natural environment to be protected, rather than an artificial environment – because it is maintained by the Venetians with colossal investments – functional for the exercise of the activities on which the Serenissima has gradually built its fortunes.
- 12 This is famous the rhetorical question formulated in 1969 by UNESCO in its Report on Venice: 'Which Maecenas can maintain an historical and artistic heritage of such a magnitude?'
- 13 In 70 years' time, the tidal frequencies that require the lifting of the MoSE will be such as to transform the moveable barriers into a dam that will always be closed. By that date (but we need to work on it now) it will be necessary to find a new form of protection for the Urbs as well. There is nothing new in the thousand-year history of Venetian resilience, of the defence of Venice and its lagoon from the forces of nature.
- 14 A sublagoon metro project, after several previous attempts, came to its declaration of public interest in 2004 but was not followed up.
- 15 On the night of the Redeemer's Feast 2023, Venice managed to welcome the same 200,000 visitors who had overwhelmed it on Pink Floyd's Night of the Redeemer.
- 16 William Shakespeare, Coriolanus, Act 3, Scene 1.
- 17 UN - https://population.un.org/wpp/Publications/Files/WPP2019_Highlights.pdf
- 18 Erasmus annual report 2022 : <https://op.europa.eu/en/publication-detail/-/publication/9020d5f5-8f3a-11ee-8aa6-01aa75ed71a1/language-en>
- 19 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2018:267:FIN>.
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- 27 <https://portosantocharter.eu/the-charter/>.
- 28 <https://www.ficep.info/>.
- 29 <https://www.eunicparis.eu/>.
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- 31 To note in particular Articles 26 and 27 of the Universal Declaration of Human Rights (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>), which feature also in the articles 13 and 15 of the Convention on Economic, Social and Cultural Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>).
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SECTION 3

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OP-ED

Culture, Europe and the Digital Age

Current Challenges, Future Prospects

—

LAURENCE FARRENG

Member of the European Parliament, Coordinator of the Renew Europe Group in the Committee on Culture and Education



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This ninth term of the European Parliament has been a special one for culture, for many reasons. It began with two major shocks.

The first was Brexit, which the British cultural sector voted overwhelmingly against. For the first time, a part of our Union has chosen to separate itself politically and culturally from our continent. With the 'no deal' on culture, the British lost the opportunity to take part in Europe Creative, and European and British artists lost the chance to perform freely across the border.

The second shock was, of course, the COVID-19 crisis. First to see its doors closed, the cultural and creative ecosystem was in many cases the last to reopen, with uncertain prospects: when would the public be ready to return to the cinema, a concert hall, or a museum? Four per cent of European GDP and 7 million jobs, the vast majority in small and medium-sized enterprises, were at stake. With the Renew Europe group, in September 2020 we put to the vote what was then the very first text of this mandate on culture: we asked all the Member States to earmark at least 2 per cent of their European recovery plan for this sector. Our artists and creators cannot be left on the sidelines: relaunching Europe also meant allowing what allows its soul, its identity, and its values to shine.

This is the context in which the European Parliament has begun its mandate in cultural matters. It should be remembered that we have only a supporting competence, supplementing

the efforts of the Member States, and a budgetary margin limited to the Creative Europe programme, of €2.44 billion over seven years, that is, 0.2 per cent of the total budget of the European Union; nevertheless, our Parliament and our political family can be proud of the work we have accomplished. We have surfed the unstoppable digital wave to ensure that our cultural priorities are incorporated.

To begin with, we have invested in new fields of cultural practice that previously were considered 'too new' for politics to grasp.

One of the most striking examples is video games. Half of Europeans are gamers, and, contrary to popular belief, not all of them are teenagers or young men. Video games are played by equal numbers of men and women (46.7 per cent of gamers are women), while the average age of a European gamer is 32. And the figures are too big to ignore: the video games industry in Europe is a €24.5 billion market, employing 110,000 people with a wide range of skills and backgrounds. The European Union is home to world-class studios such as Ubisoft, Asobo, CD Projekt, and Paradox Interactive, and every year we receive awards: for example, the Belgian game *Baldur's Gate III*, developed by Larian Studios, was named Game of the Year 2023. This industry is doing extremely well, demonstrating a new dimension of our talent for digital creation, promoting our culture and our European stories, connecting us to the world.

Yet it remains a great unknown to our politicians.

Therefore, with the support of the Culture Committee, I drew up the first report on European video games, which was voted on with great enthusiasm in November 2022. This text called on the European institutions to recognise the video game sector as a major cultural and economic industry, and to create a genuine European strategy for its development, promotion, and protection.

Another formidable field that is little known to politicians is esports, where millions of players compete in tournaments that are comparable to our biggest sporting events. Of course, esports are not a sport in the strict sense of the word, but the values and skills that it imparts, such as fair play and team spirit, resonate with the sporting spirit. So, like video games, esports are not only about values but also about soft power. At a time when Saudi Arabia has announced a \$38 billion investment strategy in esports between now and 2030, when the Chinese behemoth Tencent is spending billions on our European companies, and when the market is undergoing consolidation (the purchase of Activision-Blizzard by Microsoft for \$69 billion is an obvious case in point), it is crucial that the European Union takes action for its sector and recognises it for what it can bring us.

This is no longer the sole concern of the European Parliament, as the other European institutions have taken up the issue following our initiative. First of all, the Commission launched a major study entitled 'Understanding the value of a European video game society' in order to obtain detailed insights on the state of the sector. Then, in November 2023, the Council of the European Union, at the instigation of the Spanish Presidency, issued its first conclusions on enhancing the cultural and creative dimension of the European video games sector. It's about time!

Above all, it is important for us to offer European culture and its creators an appropriate framework in our digital age.

How can we ignore the revolutions that artificial intelligence (AI) has already brought about and will bring about in the future? ChatGPT, Dall-E, and others have already impressed us with the scope of their possibilities, but at what price will their development come? The EU has just finalised an innovative regulation on AI, which is the first of its kind in the world. However,

it is a horizontal text that does not deal specifically with cultural issues. The major generative AI models are therefore only required, in principle, to publish a sufficiently detailed summary of their training data. This training data often comprises Europe's most precious asset: creativity, talent, art – our identity.

This text is a first step, but above all it underlines the urgency of the political challenge facing the European institutions over the next few years: hand in hand, the next European Parliament, the next European Commission, and the Council will have to develop a text on the relationship between culture and digital technology, which will enable innovation on our continent and appropriate remuneration for our creative minds while at the same time promoting this culture, both within the Union and beyond our borders. The digital transformation has radically changed our cultural consumption habits (for example with the explosion of music streaming, allowing access to millions of works at a derisory cost), and we must not only put an end to the 'digital Wild West' but also ensure that it is a beneficial and attractive environment for cultural and creative workers, to make our continent shine in the world.

The European Union cannot be strong without a well-defined cultural agenda. The challenges it is currently facing, linked to defence, enlargement, migration, and the climate, cannot put cultural issues on the sidelines: culture is the living face of our values and our European identity. On the eve of the next European elections, I fervently hope that the next mandate will pursue and put into practice the work that began in 2019: investing in the modern cultural practices of Europeans and offering Europe's cultural sectors and industries a digital framework adapted to their activity.

ARTICLE

European Culture: Diversity in Action

The Case of Audio-Visual Cultural Production

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Abstract

The relationship of European civilisation to democracy and culture is deeply complex and intellectually challenging. Cultural creation and production only mix with politics in a lopsided manner. The cultural dimension, however, is a fundamental tenet of the European Union (EU) and an indispensable foundation for strengthening its institutions and the performance and achievement of all European realities. A number of initiatives have been taken to allow the cultural dimension to support the European project.

We examine here the status of one important part of European contemporary culture: the creation of audio-visual content, specifically how it is shaped by European civilisation and reciprocally shapes it. While total investments in original European content sharply increased with the entry of global streamers on the European market, these investments came as a net addition.

The EU is succeeding in having 'internationals' play by the rules in European creation. While they bring productions from around the world to European viewers, they also expand the viewership for European productions far beyond Europe itself. This has generated welcome opportunities for local job creation and audio-visual development.

Introduction

The campaign for the June 2024 European Parliament elections and the next mandate calls for reflection on the status of Europe's cultural evolution – where we are, what has been achieved, and possibly what lies ahead. The analysis of cultural developments is delicate. It touches on European citizens' current state of mind pertaining to Europe as a 'civilisation', on institutional considerations, and on the multi-faceted Arts of Culture, ranging from literature to visual arts to cinema. Cultural creation and reception work in mysterious ways, defying analysis and, even more so, politics. The vision of a European culture runs through centuries of European history. The baroque painter Peter Paul Rubens (1577–1640), justly called 'Mr. Europe' and 'a committed partisan of humanist internationalism' (Schama, 1997), waged a multi-front fight for the arts, peace, and culture. George Mathieu (1921–2012), the indefatigable proponent of lyrical abstraction and performance painting, embraced European history and the idea of a Europe-wide cultural policy as part of European education.¹⁰⁰ In shaping and defining their vision of Europe, the peoples of the Union, their institutions, and their governments have come up with complex trade-offs between high-flying federalist inspiration, its thinkers, the founding fathers, on the one hand, and the post-Second World War pragmatic industry and market approach, on the other. Progressive shifts have affected institutional power issues, the democratic nature of the Union, the rise of the European Parliament, and the power balance between the Council, Commission, and Parliament. In the aftermath of recent crises (the 2008 financial crisis, COVID-19, climate, energy), policies that were put in motion by material necessities have built upon, questioned, and comprehensively reinforced the cultural dimension of the European conscience. This evolution has culminated with the Russian war of aggression in Ukraine and the escalation of the unresolved territorial disputes in the Middle East. These dramatic developments have put front and centre the fundamental values of a common universal democratic civilisation and culture, emphasising human rights and the rule of law and opposing not only autocracy and obscurantism but also indifferentism.

The relationship of European civilisation to democracy and to the Arts of Culture is deeply complex and intellectually challenging.

It was only in 1973 that the notion of a European identity, promoted by members of the European Parliament, was introduced into the definition of what Europe is and intends to be (CVCE, 1973).¹⁰¹ It states in the first paragraphs that this identity is defined internally as 'cultural diversity' and that Europeans intend to preserve 'the rich variety of their national cultures'. Considering this variety 'in relation to the world', the paragraph devoted to the United States emphasises Europe's intent 'to establish [itself] as a distinct and original entity'. In 1993, the term 'cultural exception' was introduced in the context of international trade talks and agreements at the GATT. It was used to denote that cultural goods and services were of a special nature connected to European identity and should be treated differently from other goods and services. Then, to mitigate the bland 'exception' and emphasise the end more than the means, a semantic shift occurred and 'cultural diversity', which had been championed since 1954 by the Council of Europe, prevailed.¹⁰² Cultural creation and production, however, only mix with politics in a lopsided manner, always more at this junction, as the European level is the appropriate one to address political, military, economic, social, and sustainability imperatives. The cultural dimension remains a fundamental tenet of the Union. Its significance is to be emphasised

The relationship of European civilisation to democracy and to the Arts of Culture is deeply complex and intellectually challenging.

in fair proportion to the growing institutional strength of the Union, as an essential, indispensable foundation for the performance and achievement of all European realities.

It can safely be said that, when Europe faces difficulties or impotence, they are still somewhat related to European cultural dimension shortcomings, but a stream of initiatives have taken place to allow the cultural dimension to support the European project.

We examine here the status of one important part of European contemporary culture: the creation of audio-visual content, specifically how it is shaped by European civilisation and reciprocally shapes it. The audio-visual sector is very popular and is



representative of an interactive dynamic with the European project. It is strongly rooted in the definition of cultural diversity and exemplifies the complexity of its practical implementation.

The European audio-visual sphere is a vital cultural area

The audio-visual sector in the EU employs around 490,000 people. Audio-visual creation is not only an industry. It is also a central element of a society that debates and shares common values, a society where diversity defines its core cultural identity (Horvilleur, 2020). Nuanced, multi-faceted, black and white audio-visual narratives, like Stendhal's novels, are mirrors to the roads travelled by Europeans:

A novel is a mirror that travels on a highway. Sometimes it reflects to your eyes the azure of the skies, sometimes the mire of the quagmires of the road. And the man who carries the mirror in his hood will be accused by you of being immoral! His mirror shows the mire, and you blame the mirror! Rather blame the highway where the quagmire is, and even more the road inspector who lets the water stagnate and the quagmire form. (Stendhal, 1830: 357)

Film and television fiction play a fundamental role, specifically for popular culture. They shape in a multi-dimensional way social perceptions of Europe and European identities. They encourage the development of engaging narrative formats which either reflect the values of diversity, mobility, and transcultural exchange in the constitution of a European identity or defy bad omens and play an apotropaic role of warding off the unmistakable dark side of humankind. The European Commission has introduced itself as a positive 'road inspector' of audio-visual content, always keeping in mind that European culture may accommodate opposing visions and facts, but that freedom of creation is its primary driver.

Cultural diversity as an imperative applied to the audio-visual sector

Recent developments in the audio-visual industry in Europe are the result of evolving consumer tastes and technology, market evolutions, and the establishment of public objectives and policies at Member State and EU levels. As a result, it offers a rich landscape that includes films, shows, and series produced and distributed in the EU, encompassing both European and national productions, with a strong role by non-EU players, especially powerful American media actors.

Although its share of audio-visual consumption is decreasing sharply, television remains Europeans' preferred source for films

and series. However, the most remarkable recent market trend is the shift in the audio-visual sector from linear broadcasting to streaming. National broadcasters in European countries do a fine job in proposing high-quality streaming platforms, reaching their own domestic markets, but they are far from matching the scale of their transatlantic competitors. Europe has not succeeded in making its streaming services truly competitive vis-à-vis their giant American counterparts. Attempts to create the 'European Netflix' have all failed because they have been unable to overcome Europe's internal barriers – linguistic, legal, and moral – and intra-European industry rivalries.

Streaming, the fastest growing segment of the audio-visual industry, is largely dominated by the US global players. By the end of 2022, three US streaming incumbents accounted for 71 per cent of Europe's 189 million subscribers (European Commission, 2023a). US films and TV series dominate on streaming platforms, accounting for 47 per cent of catalogues and 59 per cent of viewing time. By the end of 2022, 88 per cent of all households in Western Europe had access to at least one of the top three streaming services – Netflix (33 per cent), Amazon Prime (29 per cent), and Disney+ (27 per cent).

Consequently, the EU has embraced the need for a strong policy framework for its film and TV industries at the European level in line with its cultural diversity vision to establish a level playing field for European and international actors.

The EU's Audio-visual Media Services Directive (AVMSD), adopted in 2018, as well as its predecessor the Television Without Frontiers Directive of 2008, and the Directive on copyright in the Digital Single Market of 2019, reflect the belief that, due to linguistic and market fragmentation, cultural diversity within Europe requires specific rules.

Legislative measures have evolved progressively to address the changing technical and international landscape, such that emerging international streamers are required to comply with the fundamental principles of the EU's audio-visual creation support obligations of European entities. To support European creation and creators, quotas imposed on broadcasters (linear services) have also been extended to streamers (non-linear services).

Under the AVMSD, these aspects are regulated by Article 13 and its several provisions. Article 13(1) concerns programming obligations and extends the previous Directive's quotas (at least 30 per cent of European works) to non-linear services. Article 13(2) concerns investment in production. It provides that, where Member States require media service providers under their jurisdiction to contribute financially to the production of European works. This can occur through direct investment in content and contributions to national funds. They may also require media service providers targeting audiences in their territories, while being established in other Member States, to contribute financially through proportionate, non-

discriminatory contributions to the production of European works. Article 13(6) states that the provisions of paragraphs 1 and 2 shall not apply to media service providers whose turnover or audience is low.

Therefore, while the Directive extends the quota regime on programming to non-linear streaming services, it does not provide for any specific investment obligation in production, leaving this choice to the Member States because it recognises the nuances among them regarding policy interference in cultural matters. Thus, implementation of Article 13(2) of the Directive and its transposition to national law does not provide a common framework but presents different solutions, sometimes even opposing ones, based on country-specific implementation. Table 1 provides examples of how some Member States have chosen to implement the Directive.

France places the most onerous obligations on streamers, building on its long tradition of championing *l'exception culturelle*. Here streamers must contribute a minimum of 5.15 per cent of their net revenues as a levy to the cinema agency Centre National du Cinema et de l'Image Animée (CNC). This levy is added to public funding and then redistributed to French and European audio-visual productions. The streamers must also invest a minimum of 20 per cent of their net national revenue directly into European works, 85 per cent of which must be in works of 'French expression' totally or mainly in French or regional languages of France. In total, more than 25 per cent of a streamer's net revenue from France must be spent on European content. Italy also places significant obligations on streamers. From 2025, they must invest 20 per

cent of net revenues directly into European works (50 per cent of which must go towards productions of 'Italian expression').

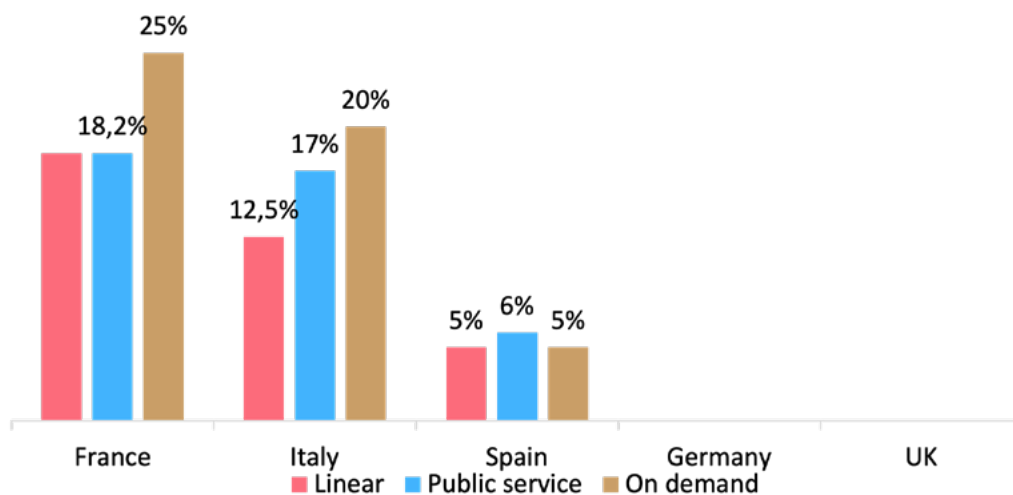
Conversely, most EU Member States have very minimal obligations in this regard. The UK and Germany have no such obligation at all. Germany has a blanket tax on film revenues, of 1.8 per cent for non-linear services up to €20 million in turnover and 2.5 per cent over €20 million. Spain, meanwhile, allows companies to choose between a 5 per cent levy or an investment obligation. So too does Greece (1.5 per cent). Croatia and Portugal – like France – have introduced both a levy and a direct investment obligation, while Poland has imposed a 1.8–2.5 per cent levy and Romania's is set at 4 per cent.

Complicating matters further, some countries – including Croatia, Greece, and Portugal – have set rules stating that total investment must go to national works. Others – including France, Spain, and Italy – say that a certain proportion must be spent on national works with the rest going to European titles. In some countries, rules further specify what kind of content must be supported. In Spain, 70 per cent of direct investment must be dedicated to works by independent producers; in France, three-quarters must be spent on independent film production.

The discrepancies among Member States illustrate varied attitudes regarding the intercultural mix in audio-visual creation, protective measures for local small and medium-sized producers, as well as varied stances towards government intervention in cultural matters.

Table 1 Production investment obligations in the Big 5 European markets

Source: ITMedia Consulting



As can be expected from a top-down, somewhat delicately protective architecture steering major funding, some talented people – creators, artists, and producers – take advantage of beautiful speeches and acquired positions to bypass minimal financial accountability. As demonstrated in a 2023 report by the French Cour des Comptes (CNC, 2023), they benignly neglect viewers' interests: only 2 per cent of funded films break even in theatres. Public policy support and taxpayers' contributions are treated with contempt, as in the case of the Cannes 2022 Palme d'Or acceptance speech (Vulser, 2023), contrasting sharply with François Truffaut's professed respect for the financial role of producers and the public. As in some kind of art noir film procedural, we can consider this deviation an acceptable price to pay to maintain a consistent number of local productions in the European audio-visual cultural landscape and its notable influence worldwide.

To summarise, among the main countries, two – Italy and France – impose strict financial contribution obligations on producers; one – Spain – imposes very low obligations, corresponding to the current investments of all operators; and two – Germany and the United Kingdom – impose no obligations at all.

The evolution of audio-visual production in Europe

On-demand services are now the largest audio-visual producers in Europe. Their role will also be increasingly central in the coming years. It is therefore essential to attract the investments of these video-on-demand operators to ensure the development of national industry.

The international operator determines its investments based on a planning process that considers the different options available. In our case these are, on the one hand, the value it can expect on a market and, on the other, the investment obligations set out in the regulations. Operating internationally, these companies tend naturally to invest where they find the best conditions (structural, economic, fiscal, and regulatory) and expectations. They also tend to base local productions in Europe on European sources or inspiration, whether it is literature, history, or notable places. European literature has been a constant source of inspiration for international creators. For decades, Disney has 'proudly brought to you' tales by the Grimm and Perrault, neglecting to mention the original authors in the process.¹⁰³

Table 2 Major European producers (production/year)

Source: ITMedia Consulting elaboration, 2022

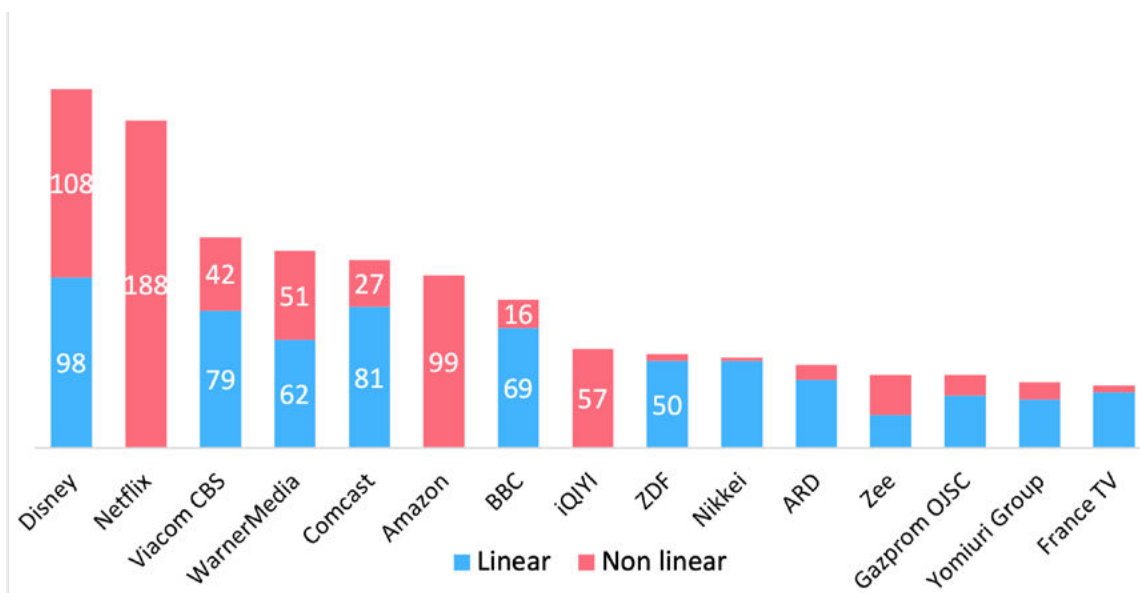
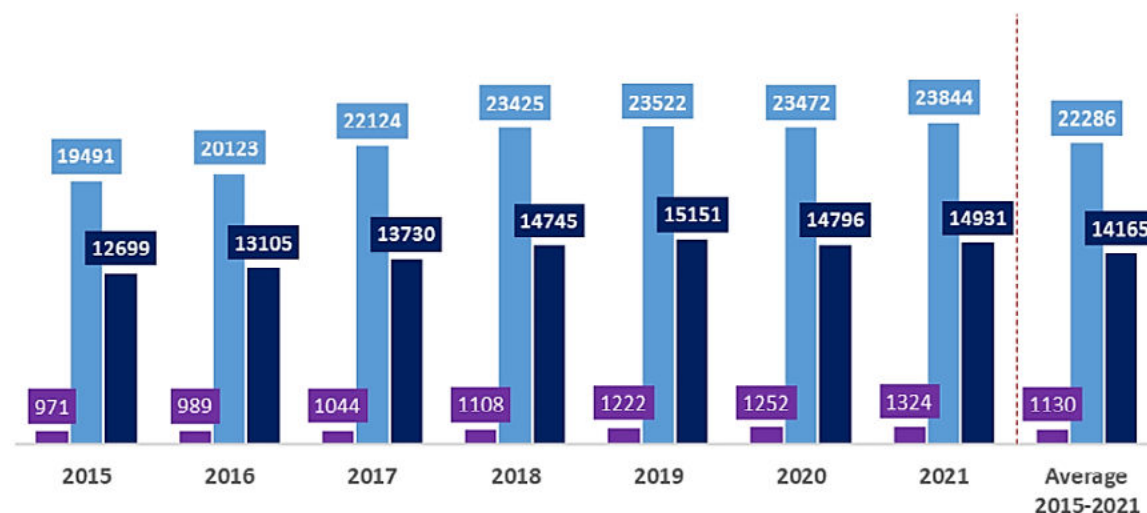


Table 3 Volume of AV fiction produced in Europe (2015–2021)

Source: European Audiovisual Observatory, 2023



In 2022, Amazon Prime Video took another step in its creative expansion: the first season of the J.R.R. Tolkien-inspired *Lord of the Rings: The Rings of Power* attracted more than 100 million viewers worldwide, making it the most-watched Amazon Original series in all regions of the world. Netflix's *Lupin* and *All Quiet on the Western Front*, Prime Video's *The Gryphon*, *Greek Salad*, and *Culpa Mia*, and Disney+'s *The Good Mothers* and *Kaiser Karl* are other examples. Netflix co-founder Reed Hastings, on a visit to Netflix Amsterdam European headquarters, pointedly described the streamer as the 'biggest builder of cross-European culture in the EU' for its success in getting Germans to tune into French series and Italians to watch Spanish films (Dams, 2023).

While total investments in original European content sharply increased with the entry of the global streamers on the European market, these investments came as a net addition. The global streamers' investments in European original content started in 2015 and their share grew rapidly, reaching 16 per cent in 2021. Netflix accounted for 92 per cent in 2019, then only half in 2021, as other streamers, notably Amazon Prime, increased their investments.

Facing new competition and new standards for TV shows, private broadcasters also increased

their investments. Meanwhile, public broadcasters faced budget constraints. As a whole, the volume of European audio-visual production has benefited from the international streamers' financial and creative contributions, which have been heartily welcomed by the industry.

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Assessing the overall impact of operators' obligations on audio-visual production

What is the bottom line if we compare local Member States' investment obligations and the status of European audio-visual production? Table 5 shows that there is no direct relationship between the level



Table 4 Investments in European original content, € billion

Source: Ampere Analysis, 2022

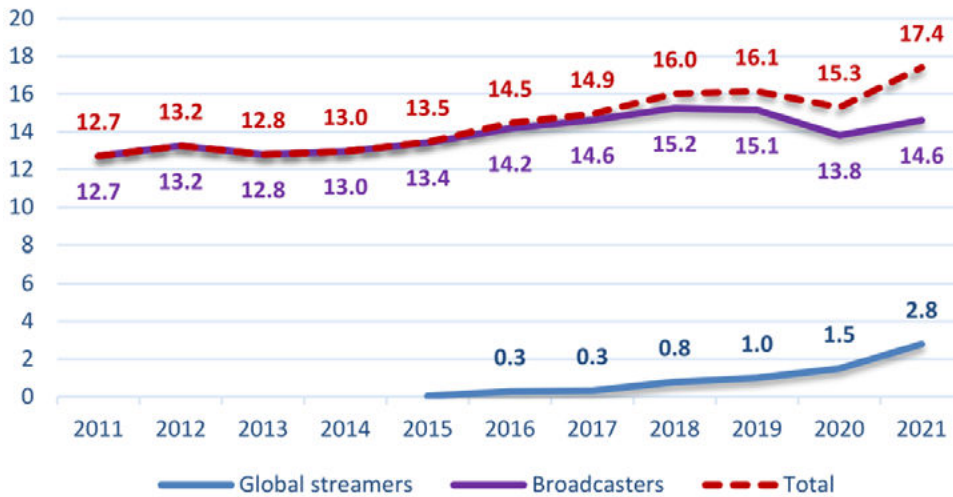
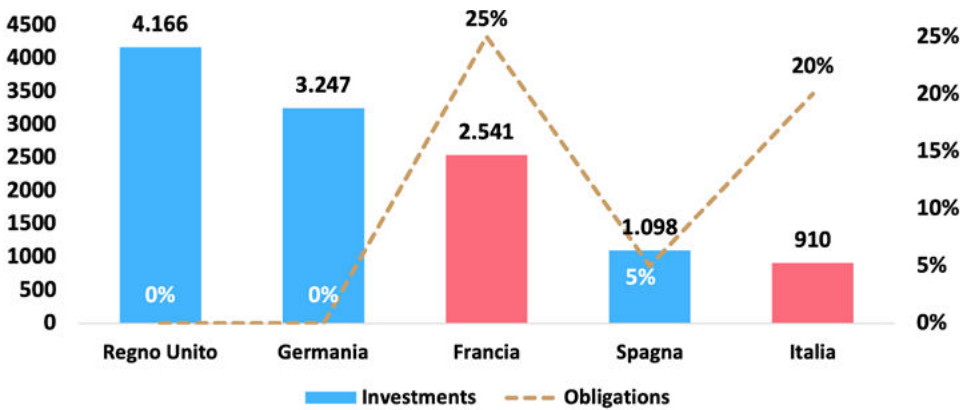


Table 5 Production investments (€ million) and obligation in production: a comparison

Source: ITMedia Consulting



of investment obligations and the size of domestic production. The UK and Germany are the two largest producers but are not subject to such obligations.

It would seem that there is no apparent benefit from regulation imposing investment obligations in production. Alternatively, as international actors have increased their investments in Europe in the last decade on their own accord, purely based on market considerations, it can also be argued that countries with high audio-visual production levels have not felt the need to impose investment obligations. Spending on local content in new markets has been central to streaming platforms' strategies to push growth in subscription numbers.

The EU is succeeding in having 'internationals' play a role in European creation. While they bring productions from around the world to European viewers, they also expand the viewership for European productions far beyond Europe itself. As a whole, this has generated welcome opportunities for local job creation and audio-visual development, which are greatly appreciated by the European industry.

The European Commission's support for the European audio-visual sector is unrelenting. In December 2020, it adopted the Media and Audio-visual Action Plan,¹⁰⁴ and further initiatives are being taken by the European Commission and the European Investment Fund. For example, four investment agreements were signed in September 2023 at the San Sebastian Film

Festival. Worth €68.25 million, they are expected to mobilise around €500 million worth of new private and Member State financing for audio-visual and creative companies and projects. EU-supported films are gathering nominations and awards at international film festivals in Berlin (European Commission, 2023c), Cannes,¹⁰⁵ Venice (European Commission, 2023d), and San Sebastian (European Commission, 2023b), among others.

Conclusions: the open-ended nature and specificities of European culture in audio-visual production

Timothy Garton Ash (2023) justly notes that the European Union has its roots in the post-Second World War and 1992, post-Wall history. As a land of disasters of its own making, beyond understanding, where millions have died, it would certainly be naïve to adopt a rosy, peaceful view of European culture and history. High points of European cultural creation, such as the Italian Renaissance, have also been periods of long-running violent wars and bloody political fights. Thanks to notable thinkers, in the second half of the twentieth century this gave rise to a land of lessons learned as Europe positioned itself internationally as a beacon of hope and righteousness. European audio-visual cultural creation, much like contemporary European culture in general, explicitly aims to learn the lessons of the past and overcome their legacy. This does not go without a dose of reproach and resentment towards the EU, or certain perceived aspects of the EU, from quarters having had varied historical experiences of their own and regarding European powers. Europe must deal with millions of sons and daughters who look for their missing 'fatherly' figures in illiberal democratic or authoritarian politics.

Europe's relationship with American culture is also a theme that has recurred since the Second World War. We in Europe feel a burning urge to measure ourselves with – or against – America. Very differently from Europe, the US receives a continuous flow of immigration (largely from Europe), forcing a tabula rasa of natives, coldly taking care of their own business and their own interests, although the debt Europe's freedom owes to America is a constant remembrance it is the 'land of the brave' and, even more, the land of the strong, or supposedly so, as ideologically exemplified by certain recent presidents who certainly are not fatherly figures.

It would be debatable to generalise from these differences, but European creation congregates more around the intimate, albeit social, side, often exploring moral dilemmas. In contrast, it seems to these authors that, in the spectacular, big-budget US productions that tend to dominate the box office, violent power struggles, lavishly nurtured by talent and money, are often the sole narrative elements, making cultural values often hard to identify.

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If we summarise and extrapolate from this picture of the EU audio-visual sector, what is intended today by European culture and related policies is an emphasis on freedom of creation, openness, and diversity. There is no censorship, no imposition of pre-defined European cultural values. International players are not being kept at bay. On the contrary, their contribution is highly welcome, as long as their compliance and integration within EU common cultural diversity rules is achieved through quotas and investments.

European culture is not defined intrinsically as a set of characteristic patterns or values. Rather, it is defined extrinsically by its governing principles of freedom of creation, open borders, and free spaces, which are essential to culture today. This is paradoxically exemplified by the film *Oppenheimer*: J. Robert Oppenheimer was an American of European origin who achieved success in America. The film, directed by an American, had its greatest success in Europe, overcoming market fragmentation.⁷

Globalisation and digital transformation are double-edged. They may bring cultural standardisation and a lack of diversity, not to mention threats to culture and possibly civilisation. Other threats, not to be underestimated, come from the inside. Thus, a large section of beneficiaries of cultural and artistic freedom as well as public financial support, without which they would not survive as artists, publicly express their rejection of universal European values, democratic governments, and their policies, providing support to autocracies and obscurantism. European culture is subject to criticism from the outside, resentment against Western domination, and post-colonialism. From the inside, some of those involved in extreme politics in Europe indulge in self-inflicted wounds, waging a wholesale cultural war against European history (see, for example, Weller, 2021). This is also peculiar to European culture (Taguieff, 2024).

Europe is not a cultural identity but a coalition of identities, as expressed in the European Union's motto adopted in 2000: 'United in diversity'. It is uncontrollable, unpredictable, and not easily definable, and it should remain that way. A challenge for media companies and culture in Europe is the younger public moving away from television or cinema in favour of



online or virtual spaces, and the planned aggregation into mob effects they encourage.

Reflecting on the impact of the current crises and related policies on the European conscience through the lens of audio-visual creations, we find that a trend is emerging. It contributes to the interplay between European 'civilisation', the domain of liberal democratic values, and European 'culture', the domain of arts and cultural creations. Numerous existing EU initiatives promote this interplay, and the leeway enjoyed by Member States in audio-visual policy implementation also reflects the plurality of identities that characterises the Union. Culture in Europe reflects the uncompleted nature of European construction: a mix of strong traditions, laissez-faire orientation, and regulation which rebalances fragmentation without imposing uniformity.

European culture exists. It has existed across history, across empires. It flourishes by sticking to its extrinsic principles. For those of us dissatisfied with the shortcomings of European cultural awareness, it is comforting to measure the progress from the cigarette papers on which Altiero Spinelli and Ernesto Rossi, in captivity, wrote the Ventotene Manifest in 1941, to the credits to European Union programmes that appear on innumerable screens in films and audio-visual creations today.

All the resources of European culture will be needed in the coming years as Europe brings the fight for liberal democracy and against populism and authoritarianism to a higher level.

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ARTICLE

European Audiovisual Policy in the Digital Era

Filmmakers' Perspective

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Abstract

A new European Parliament mandate brings the opportunity to shape a new culturally driven and sustainable approach to the European Commission's agenda for the audiovisual sector in Europe. Films, series, and documentaries have a unique impact on audiences and are an important mirror to contemporary society in well-functioning democracies. This article thus looks at the European Union's past, present, and future vision for the audiovisual sector and its impact on the people who make films. Originally based on a delicate balance between single market and cultural diversity objectives, the legacy of European audiovisual policy and its recent evolutions in the digital age are put in the perspective of the socio-economic reality of European filmmakers today as they navigate recent crises and profound industry changes. In the streaming era, they have the opportunity to reach global audiences on an unprecedented scale, yet they face a number of challenges, from persistent precarity to artificial intelligence and threats to artistic freedom. As we look ahead to this new frontier for European audiovisual creation, European audiovisual policy initial objectives are more relevant than ever.

Introduction

The power of visual storytelling is at the heart of the unique impact of cinema films, and later of audiovisual works made for TV and streaming, on audiences. Its effect is such that, across Europe, people can name actors and directors off the top of their head.

The household names that first come to mind are usually Americans. This says a lot about the level of soft power achieved by the US audiovisual industry, resulting from century-long shrewd political, business,



and influence strategies. Yet in Europe, local names associated with European and national productions will eventually come back to you, and this is no coincidence.

It may seem trivial, but relating to characters on screen who speak your language and reflect your reality and values is important. The stories told by creators are a mirror they hold up to us all – individually and collectively. The image of us they reflect can be reassuring or critical: in both cases, it is proof that we exist in all our singularities, and it gives us a chance to pause and think about who we are and what we do.

Films, series, and documentaries are a contemporary looking glass which is just as important as the cultural heritage from our past: both are fundamental parts

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of our cultural identity, helping to build who we are collectively as a society, and an intrinsic part of any well-functioning democracy.

Europe's audiovisual policy: striking a balance between the single market and cultural diversity

It is therefore no surprise that the European Union (EU) has developed an audiovisual policy over the years – although it came late in the European integration process. While cinema and the audiovisual sector were originally perceived to be a matter of Member States' competencies, the application of the single market in the field of broadcasting became a focus in the 1980s.

The cornerstone of the EU's audiovisual policy, the Television Without Frontiers Directive,¹⁰⁶ was adopted in 1989 before morphing over time into

today's Audiovisual Media Services Directive.¹⁰⁷ It establishes the principle that Member States must ensure freedom of reception and that they generally may not restrict retransmission of television programmes from other Member States on their territory. It also crucially lays out provisions to encourage the distribution and production of European audiovisual works, including by imposing minimum content quotas of European works for broadcasters. In the same year, the Paris 'Assises européennes de l'audiovisuel' laid the ground for a European audiovisual industry support policy, which became the MEDIA programme in 1991.

The overall objective of the EU's approach to audiovisual policy from the outset was to create a strong market for European audiovisual works by encouraging the circulation of works in Europe and their competitiveness against US content, which dominated the European market. To achieve this, the EU built upon different visions across Europe in a complex and difficult negotiation process, as some Member States, such as Denmark, opposed such intervention, considering the audiovisual sector – as part of the cultural field – an exclusively national responsibility.

A balance was struck between a single market approach backed by those in favour of deregulating the sector (e.g. the United Kingdom, Germany) and a more interventionist approach supported by those in favour of a proactive audiovisual policy (e.g. France) (Delwit & Gobin, 1991). This was reinforced by new provisions relating to culture introduced in the Maastricht Treaty in 1992 and in the Amsterdam Treaty in 1999, extending EU competences in the field of culture in full compliance with the principle of subsidiarity, by complementing national policies and encouraging cultural cooperation.

In parallel, the cultural exception concept, developed in the context of international trade negotiations, was championed by France. This asserts the unique character and role of culture as not to be equated to other purely commercial goods or services. This led to a regular carve-out of the European Commission's mandate in trade negotiations for audiovisual services.

Enshrined in the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, this special status granted to the cultural sector stems from the acknowledgement

that freedom and diversity of cultural expression underpin democratic societies. It is therefore justifiable and desirable that public authorities make special provision for the flourishing of culture, ensuring access for all of society and the fair remuneration of creators.

This chimes with the EU motto 'United in diversity', which came into use in 2000, meaning 'how Europeans have come together, in the form of the EU, to work for peace and prosperity, while at the same time being enriched by the continent's many different cultures, traditions and languages'.

Yet balancing the principles of the internal market on the one hand, and much-needed proactive audiovisual policies on the other, remains a challenge.

Today, the perception of EU intervention among audiovisual professionals and businesses across Europe seems to be increasingly negative. Some of the basics of the sector's functioning have been regularly challenged by a number of European Commission proposals over the years. Contentious issues include proposals to ban geo-blocking and territorial exclusivity of licensing for audiovisual services; to include audiovisual services in the EU mandate in trade negotiations; and to limit state aid at national level.

The audiovisual sector in Europe has undergone massive changes in recent years. In the context of economic instability triggered by the COVID-19 pandemic and the Russian war in Ukraine, the exponential rise of global streamers in Europe has deeply affected the relationship with audiences and the European audiovisual production and distribution landscape. It is therefore not surprising that European intervention that directly or indirectly affects the audiovisual sector is perceived critically by audiovisual stakeholders under high pressure.

The perspective of European filmmakers

To better grasp the impact of these sea changes on European audiovisual creation and the industry behind it, it is useful to start at the beginning – with the people who envision stories and bring them to the screen.

From the dawn of cinema and the first-ever projection of moving pictures for a paying audience by the Lumière brothers in Paris in late 1895, to Netflix chilling and millions of people going to cinemas around the globe to view the same films – the world of creators who tell stories from the screen has changed significantly.

For decades, film auteurs have fared well in Europe. This peculiar breed of bullish creators exercises a high level of control across a complex collaborative creative process to

tell stories on the big screen in a singular, personal way. To them, artistic freedom and creative control simply cannot be surrendered if their vision of a story is to succeed in captivating an audience.

While it is not difficult for one to think of a filmmaker's name, it is more challenging to comprehend what they do exactly – and how the fame of the few obscures the precarity of the many in the European audiovisual creative community today.

Like all creatives in the audiovisual sector, directors are highly skilled independent professionals. They are the principal authors at the heart of the creative process of an audiovisual work, responsible for overseeing every facet of its realisation in a process of artistic collaboration with a wide range of co-authors and creative workers, including actors, cinematographers, directors of photography, lighting technicians, sound and costume designers, and editors.

The craft requires a very specific skill set. Alongside their co-authors, screenwriters, and composers, screen directors develop a script into a visual story, but it is their sole responsibility to direct the camera and actors to visualise the screenplay. With the moving images captured, directors then commission music and supervise the edit, sound design, and visual effects to create and then promote the finished audiovisual work – a commitment of time and energy which can span several years.

Crucially, directors are also responsible for the completion of the finished audiovisual work, be it a feature film, an episode of a series, or a documentary film. They take final responsibility for the aesthetic cohesion and artistic integrity of the work – in all types of production contexts, and often under severe time and cost pressure, which they bear throughout the creative production process.

In Europe, the director is recognised by law as the primary author of an audiovisual work – be it produced for cinema, TV, or streaming. As such, they hold moral and economic rights which they exercise to assert their artistic and creative freedom as well as to build sustainable careers. By contrast, in the United States, directors and screenwriters are not recognised as authors and are employed under 'work made for hire' contracts.¹⁰⁸

When working on a project under contract, audiovisual authors transfer their rights to a production company. Due to their systemically weak negotiating position, acknowledged in European law since 2019,¹⁰⁹ the terms of this transfer in individual contracts can be abusive, involving illicit moral and economic rights waivers without compensation and disproportionately low buy-out remuneration clauses.

Such abuses are common in the European audiovisual sector and lead to singularly unstable careers for audiovisual authors, who are mostly self-employed, with little to no access to social





benefits and limited collective representation. They generally cannot make ends meet solely through their work as an audiovisual author.

Data shows that a screen director's career in Europe is as unstable as it is precarious: they are the lowest paid audiovisual authors in Europe, with a median annual income after tax from their directing work of €12,500 for female directors and €18,000 for male directors (FEU, 2019). This can be explained by the profession's specific workflow, as directors are committed to each project from development to promotion and are not able to work on several projects at the same time during time-intensive production stages (e.g. shooting, post-production), as well as by abusive practices in individual contracts.

Recent crises and industry changes reshaping Europe's filmmaking future

Despite these difficult circumstances, filmmaking remains an incredibly appealing vocation, and individuals with strong artistic drive are still flocking to creative professions in the audiovisual sector across Europe – even if they continue to struggle to maintain sustainable careers. To survive, these versatile and resilient professionals adapt by working other jobs within or outside the industry, moving from one genre to another – from fiction to documentary, and from cinema to TV and streaming production. Such flexibility proved to be an asset during the recent multifaceted upheaval experienced by the audiovisual industry – allowing them to survive, if not for them to thrive.

In 2020 and subsequent years, the cultural and creative sectors across Europe were hit hard by the COVID-19 pandemic. Authors, performers, and creative workers, many of whom were already struggling before the pandemic, were severely affected by the discontinuation of their work opportunities. In sectors characterised by self-employment, freelancing, and job flexibility, combined with little or no access to social benefits, the loss of income posed a direct and immediate threat to their day-to-day survival.

During the lockdowns, millions of citizens across Europe turned to music, films, books, and

online performances as a source of solace and hope. Yet support for the sector was delayed and insufficient. For example, furlough schemes were not immediately introduced and were not extended to freelance workers everywhere. Cultural professionals and businesses also did not benefit from the European recovery plan – with the notable exception, in the audiovisual sector, of significant support for infrastructures such as film studios to accommodate global streamers' rising production footprint in those Member States who are large producers.

Getting back to work in the post-lockdown world was a challenging experience for everyone involved in the creation and production process. Sanitary protocols on set slowed the pace of work and increased costs at a time when investment remained sluggish, increasing the pressure to do more in less time, resulting in cascading mental health and safety issues and risking a decline in production quality.

Yet one part of the sector thrived during these difficult periods: online streaming boomed as consumption by confined populations rose to record highs and embedded new habits in audiences' daily lives around the world – habits which survived the pandemic.

This led to the exponential rise of relatively new players in the European audiovisual market: global streaming companies. As their strategy to conquer new markets includes producing local content to

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build subscribers' loyalty, production boomed, and the new job opportunities were met by freelance actors and creative workers who desperately needed the work after unpaid confinement periods.

Coupled with post-pandemic tension, the boom turned into a bubble, generating massive inflation



of production costs and pressure on cast and crew to keep delivering in the shortest time possible. It is also worth noting that it did not require the same engagement from all creative professions, or from Member States with different production capacities.

But everywhere, a business and creative culture shock was afoot: new contractual practices arose, with global companies seeking to concentrate intellectual property to mitigate the risks of developing new business models on a global scale. This predatory behaviour impacted authors' rights and catalogues' acquisition negotiations, as complete opacity reigned over the performance and success of the audiovisual works they acquired or produced and revenue sharing models were rejected. Meanwhile, European audiovisual creation had the opportunity to meet global audiences who were becoming more and more open to watching content, dubbed or subtitled, from everywhere in the world: an opportunity well worth the challenge!

Then, as audiences started to flock back to cinemas, it appeared that long-standing European funders of audiovisual creation were not in such bad shape after all. Nevertheless, although broadcasting and public funding never collapsed, the pressure caused by the rise of new players and a new approach to production focusing on certain types of content is yet to be absorbed by local audiovisual ecosystems.

European filmmakers' artistic freedom at stake

Independent cinema production is clearly struggling to maintain a space in this new environment, and that is never good news for audiovisual creators' artistic freedom. Many other industries have already come under pressure to produce more, faster, and eventually cheaper to meet increasing demand, leading to the standardisation of production processes, while consumers' willingness or ability to pay decreases.

In the audiovisual sector, this can mean either turning to cheaper, non-authored formats such as unscripted TV, for example reality TV and game shows, or standardising the creative process by analysing subscribers' data and behaviour while interacting with content to determine popular casting choices, favourite genres, or the most efficient story twists, for example.

This standardisation process could well be accelerated by artificial intelligence (AI) technology. Not all companies have equal access to consumption or creative data to train tools such as recommendation algorithms or generative AI. For authors and performers, the challenge is first to get transparency on the way their work, performances, and personal data are used to train generative AI, which competes directly with their

work, and how the technology will interact with their creative process, then to be able to consent to it on sustainable terms – including fair remuneration.

Yet standardisation is only one aspect of the current high-level threat to audiovisual creators' artistic freedom. The rise of populist movements across Europe is already proving a direct threat to individual filmmakers. Systemic censorship can also be applied through the misuse of public service broadcasting or public funding, two essential pillars of the functioning of local audiovisual industries.

Finally, there is no escaping the large environmental footprint of audiovisual production and the distribution of audiovisual works and content in general – one of the least discussed impacts of the rise of global streaming consumption and the production bubble, yet one that cannot be ignored. For filmmakers, a path to more artistic and creative freedom could be cleared through sustainable, environmentally friendly local production, but systemic solutions for the audiovisual sector at large must continue to be developed.

The European way forward

This is the new frontier European audiovisual creators, their business partners, and policymakers are facing today. While the response so far has been chaotic, it is clear that the way forward is to stand together on sustainable terms, and in the spirit of a level playing field between Member States with varying production capacities.

With the notable exceptions of the rise of global companies and AI, most of the challenges the sector faces today are not new, and the initial objective of the European audiovisual policy has never been more relevant than in the digital era. For all the profound challenges these changes create, they also present an opportunity for policymakers to revisit the core objectives of EU intervention and to assert new industrial policy choices that do not just pay lip service to the cultural aspect of the audiovisual sector but put it back at its very heart.

The Digital Single Market strategy has yet to provide structuring results for the benefit of a culturally diverse audiovisual sector in Europe. Audiovisual creation – and, it seems, the audiovisual sector itself – has become a loss-leader product in the vision for a wider media and tech sector.¹¹⁰ It is for this wider industry that new policy is built on the premise that light-touch regulation will unleash Europe's technological innovation potential and lead to economic growth. This is reflected in the new orientation of the Creative Europe MEDIA programme, as well as in the latest regulatory proposals affecting the audiovisual sector.

This ambitious agenda fails to cater to the artistic and cultural dimension of the audiovisual sector, and one wonders what the consequences of this blind spot will be. Will European audiovisual creation slowly fossilise as public support increasingly focuses on heritage and media literacy? What will become of singular voices in smaller production capacity countries and of co-productions if the EU bans geo-blocking for audiovisual works, thus dealing a fatal blow to the ability to raise funds, public and private, for production and distribution based on territorial exclusivity of rights? What of the impact of generative AI on creation and copyright if the AI Act does not deliver more transparency and the most extensive theft of copyrighted works in history is allowed by a copyright exception which was never meant to cover such uses in the first place?¹¹¹

Conclusions: looking ahead to the new policy cycle

The European creative community has always found strong support in the European Parliament and believes in its political strength. A new mandate brings the opportunity to shape a new, culturally driven, and sustainable approach to the European Commission agenda. If policymakers continue to believe in the essential importance of culture for the European project, they must fight to refocus and champion our European audiovisual policy accordingly.

The audiovisual industry is intrinsically cultural and as such has a unique part to play in the European project. Each of its pillars remains consistent with this reality, from media regulation through AVMSD (ex post evaluation and possible review proposal in 2026) to its dedicated support programme (potential renewal in 2028), the cultural exception in trade agreements, and EU state aid rules, as well as the European Copyright legal framework (2019 CDSM Directive to be reviewed no sooner than 2026).

They must be considered as a whole as policymakers set out a vision for the next European Parliament mandate: to ensure the autonomy of the European audiovisual sector in all its diversity, and to strengthen local audiovisual human-centric creation as AI technology is increasingly deployed in cultural sectors.

In each Member State and beyond the European Union, audiovisual creation is an instrument of independence and influence. Given the cultural, political, and economic issues specific to this sector, an ambitious audiovisual policy respecting its intrinsic diversity is of essential importance for the future of the Union and its ability to shine on the world stage.

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NOTE FROM THE INDUSTRY

Sustainability in the Media and Entertainment Industry

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Introduction

Today, the media and entertainment (M&E) industry reaches into billions of homes worldwide to offer a myriad of exciting video-based experiences – but that benefit comes at a real cost. Data from BAFTA's albert Annual Review in 2021 revealed that each hour of television produced – not even that distributed – contributes more than 5.7 tonnes of carbon equivalent emissions (CO2e) into the Earth's atmosphere (Bafta, 2022). A recent report from Futuresource indicates that the carbon footprint of the M&E industry may even exceed that of the commercial airline industry (Interdigital, 2022).

The European Union (EU) faces a monumental task of achieving the ambitious 2030 decarbonisation target and the attainment of climate neutrality by 2050. The Fit for 55 package has established a regulatory framework poised to guide industrial sectors on the path to decarbonisation.

Recognising the crucial nature of this challenge, businesses along the value chains have become actively involved, contemplating measures to reduce energy consumption, foster energy efficiency, and adopt renewable energy

solutions. This is an opportunity for change and positive impact.

Policy will always play an important role in effecting the change we need, but the M&E industry must also voluntarily adopt measures to reduce the impact of their products and services on the environment. Innovators and engineers have an opportunity to examine the M&E supply chain and propose solutions as energy demand is driven upwards by increasingly more hours of television being viewed each year and by new features of TVs, such as larger screens and higher resolution.

The challenges

Production of video content

Production is the first link in the chain of delivering video content to consumers. It is also one of the most energy intensive, from the production crew travelling to the filming venue to charging the necessary equipment. Travel, and particularly air travel, is heavily reliant on fossil fuels and contributes a large proportion of each production's carbon output. A typical day of filming can generate as much carbon as the average person generates in an entire year.

To offset these demands, production companies have begun to prioritise lower-emission forms of travel or locations that require less travel by the production crew, as well as integrating remote work into the production ecosystem. Industry consortiums such as BAFTA's albert have developed toolkits that production companies can use to reduce their carbon footprint,¹¹² while the European Broadcasting Union also offers certification schemes that producers can use to bolster their sustainability efforts.¹¹³ Most recently, France introduced an initiative making a film's funding dependent on the energy management plan for production (CNC, 2023).

Storage and data centres

In recent years, the M&E industry has gravitated towards streaming as a primary delivery mechanism, thus dramatically increasing the use of cloud-based data centres. Data centres collectively consume a great deal of energy. However, they also have the benefit of being comparatively more efficient than smaller server-based operations due to their economies of scale for energy efficiency and the ability to reuse the energy and heat they produce. Furthermore, researchers are

exploring solutions to improve data storage methods to ensure content is not unnecessarily duplicated on different servers each time it is accessed. The calculus on this topic is complex, and there remains room for improvement in the sustainability of data centres.

Transmission

The transmission of video-based entertainment requires the use of different types of internet networking, video compression, and coding technologies. In addition, streaming large video files requires a tremendous amount of data management. The issue of data categorisation remains one of the most vexing problems facing the M&E industry today because there is a lack of specific measurement around data communications, which means the energy costs for transmitting these files over the internet are not always clear. In general terms, reducing bandwidth should reduce energy consumption, but the energy costs of the transmission component of streaming are more complex than simply reducing bandwidth. Solutions can be found by examining the complex relationship between the hardware and software components in each link of the chain.

Consumer technology

There are billions of TVs around the world, and while individually they do not consume very much power, collectively they account for the most significant proportion of M&E energy consumption. This is only compounded by the rising popularity of HDR and 4K TV: it is estimated that more than 1.1 billion HDR TVs will be installed in homes within the next two years. As screens become larger, offer better resolution, and provide a near-photorealistic viewing experience, it comes at a carbon cost.

The solutions

Pixel value reduction (PVR)

The average 4K HDR TV consumes roughly four times more energy than a

comparable 1080p HD TV as it has more than eight million pixels (compared with two million for an HD TV), with each pixel requiring tiny amounts of energy to illuminate its view.

Among the approaches to reducing the energy demands of TV consumption is an exciting solution pioneered by InterDigital called pixel value reduction (PVR). This energy-aware technology intelligently optimises pixel brightness and scans the video to determine which pixels can be rendered with lower levels of illumination, and therefore consume less energy, without impacting the viewer's experience.

The PVR technology addresses two distinct use cases. The first prioritises the artistic integrity of the broadcast media by making incremental improvements towards energy savings through reductions in pixel value that are imperceptible to audiences. The other approach is more applicable to streaming content services that wish to achieve specific levels of energy reduction and thus can alter the pixel brightness and viewing experience accordingly.

This solution is simple but mighty – millions of small reductions in pixel brightness across billions of televisions and screens can produce significant energy savings across the ecosystem.

Versatile video coding (VVC)

Advanced compression standards can also go a long way towards reducing overall bandwidth needs and energy consumption of video delivery. But as the video industry evolves and content becomes increasingly immersive, the M&E sector needs a codec flexible enough to support a diverse range of experiences.

Versatile video coding – also known as VVC or H.266 – is among the favoured video codecs to support new services beyond traditional 2D video entertainment. Compared with its predecessors, VVC is a more efficient, higher performance video

codec. It is designed to be versatile and ensure the network can handle an increase in both the amount and type of video content, whether 2D, 3D, immersive, or otherwise, without needing to change or enhance the network infrastructure. VVC offers an improvement in compression efficiency that significantly increases the network infrastructure capacity as it reduces overall video traffic and network congestion to improve the quality of experience.

VVC's ability to empower networks to support an increase in video content amount and size, without the need to upscale the network infrastructure, is an important factor of sustainability.

Global standards

It is critical that all players within the M&E ecosystem explore and encourage innovative solutions for these very real challenges. A uniform and efficient uptake of these solutions can be ensured through global standards to encourage energy awareness throughout the video supply chain. Several global standards bodies, including ITU-R, MPEG, DVB, and SMPTE, have begun to acknowledge and explore energy efficiency and sustainability initiatives around various foundational and essential technologies, but more work needs to be done.

Policy recommendations

While the M&E industry is actively engaged in the decarbonisation process, there is still ample room for improvement and for action within this sector.

- The European Commission should:
6. Foster innovation by establishing conditions conducive to investment in the development of cutting-edge technologies, and by actively encouraging their implementation.
 7. Initiate a comprehensive analysis aimed at identifying the challenges and opportunities for the M&E



sector's ability to contribute to the EU objectives on decarbonisation and energy efficiency.

8. Facilitate a public–private dialogue with European policymakers and industry representatives to identify practical solutions and establish specific targets for the sector. This could entail a combination of innovative technologies, industry standards, and voluntary commitments.

There is untapped potential, and the European Union stands to gain from the formulation of new targeted strategies, paths, and goals at the European level, encompassing both legislative and non-legislative initiatives towards decarbonisation and energy reduction.

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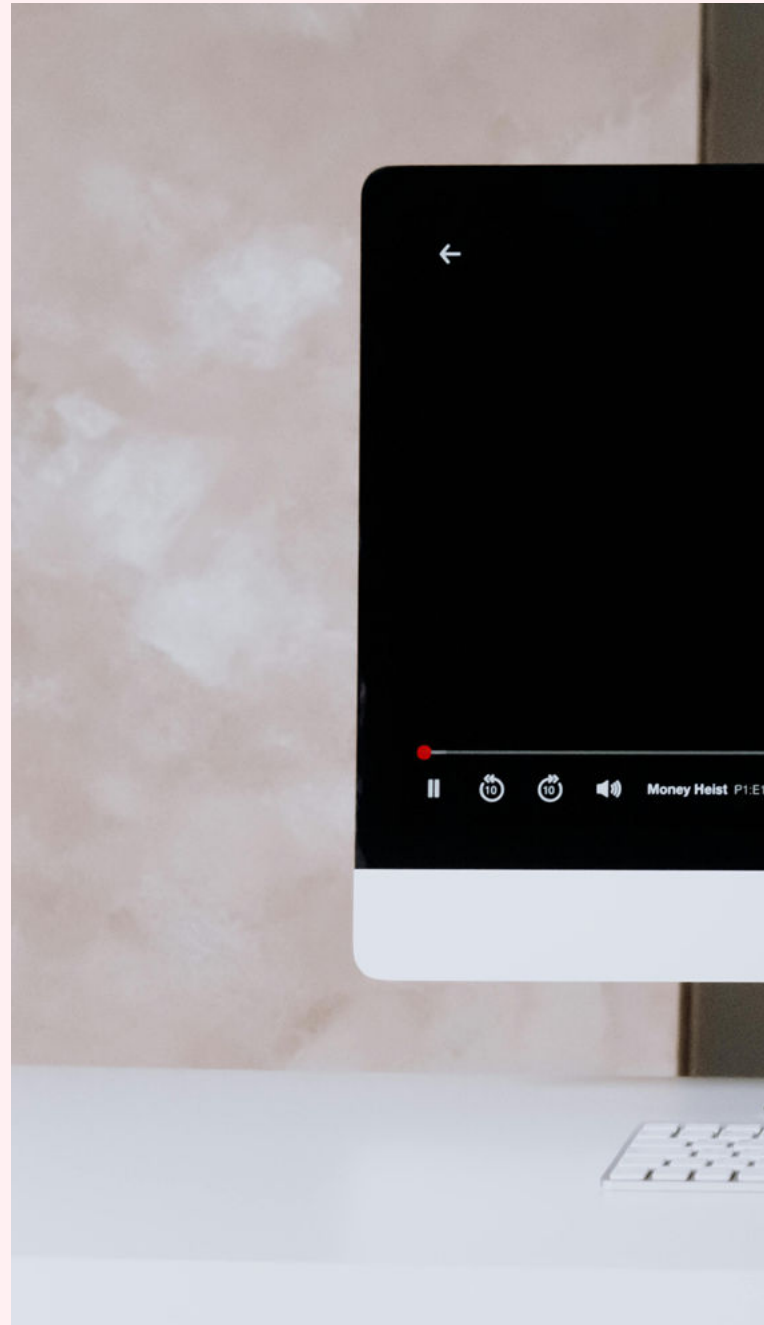




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ARTICLE

Music Streaming

How to Make It Sustainable for Music Creators

—
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Abstract

After over a decade of decline, music industry revenues have witnessed a resurgence thanks to the rise of music streaming. However, the rapid transformation of the industry has maintained old inequalities and created new challenges for composers, songwriters, and musicians, who consider the current streaming ecosystem to be unsustainable. This article identifies and discusses the main issues facing the music streaming market, highlighting the European Parliament's recent report on cultural diversity and music streaming and other policy initiatives. It also advances a series of recommendations for making streaming more sustainable, including ensuring more fairness in revenue distribution, addressing the high level of concentration in the music rights sector, improving the identification of music creators on streaming platforms, reassessing the legal classification of a stream, and increasing the transparency of streaming platforms' algorithms and playlists. Only by addressing all these issues in a holistic manner can we ensure a fair and sustainable future for the entire music ecosystem.

Introduction

Over the last 15 years, the rise of music streaming as the predominant method of music consumption has changed and revitalised the music industry (Hesmondhalgh, 2021), boosting revenues, expanding consumer access to music, and decreasing piracy (Halmenschlager & Waelbroeck, 2014). However, the extremely low level of remuneration that music creators and musicians receive from streaming

has sparked heavy criticism. A recent study on the German music streaming market shows that music authors receive a meagre share of less than 10 per cent of the net revenues generated by music streaming (out of the 15 per cent going to the 'song' rights), with around 55 per cent going to record labels and 30 per cent to streaming platforms (Goldmedia, 2022). According to a report by the UK House of Commons, a prominent songwriter and producer received approximately €352 in Spotify payments over three years for a song that was streamed over 14 million times (House of Commons, 2021a: 45).

Is music streaming sustainable if it's not able to sustain the livelihoods of music makers? Urged on by calls from music creators, policymakers at the international, European, and national levels have recently started to look into this crucial issue for the future of music. This article sheds light on the flaws and imbalances of the current streaming ecosystem and briefly discusses recent actions taken by policymakers and industry players to address them. It then proposes a series of recommendations to achieve sustainable conditions for music creators.

The current music streaming market

The emergence of streaming revitalised the music industry, whose revenues from physical sales had steadily declined from 2001 to 2014, ushering in a new period of growth. While in 2014 streaming services generated USD 1.9 billion, this number had increased to USD 11.4 billion by 2019 (Hesmondhalgh, 2021), with streaming now accounting for 67 per cent of all recorded music revenue (IFPI, 2023: 10–11). However, the rapid flourishing of streaming services has been based on low subscription prices (and the freemium model) and has not mitigated pre-existing inequalities and competition concerns in the music market.

Indeed, subscription prices and catalogue offerings are practically the same among all platforms (Towse, 2020: 1466–1467): for less than the price of a single traditional physical record, listeners get access to catalogues of over 100 million songs (Hoover, 2023). In 2023, and for the first time since their launch, most platforms have increased the prices of their subscriptions by 10 per cent, raising them from USD/EUR/GBP 9.99 to 10.99 (Ingham, 2023). However, the price increase is far from compensating for the value lost to inflation alone (Forde, 2023), with evidence indicating that the average revenue per user decreased by 37 per cent over the period 2015–2021 (Goldmedia, 2022). Growing the 'streaming pie' is a step in the right direction but it cannot solve the issue of unfair remuneration on streaming services as long as the share going to music creators is so small.

Past and current actions of policymakers

Policymakers have increasingly been paying attention to the issue of music authors' conditions on streaming platforms. In the UK, the House of Commons Digital, Culture, Media and Sports Committee conducted an inquiry into the functioning of music streaming and published an extensive report in 2021 (House of Commons, 2021a). The report highlighted the imbalances in the streaming market and advanced several recommendations, including to establish equitable remuneration, ensure revenue parity for composers and songwriters, conduct an investigation into the market dominance of major record labels, ensure fair and transparent algorithms and playlisting, and address licensing concerns on services hosting user-generated content (House of Commons, 2021b).

The rapid flourishing of streaming services has been based on low subscription prices (and the freemium model) and has not mitigated pre-existing inequalities and competition concerns in the music market.

At the international level, the World Intellectual Property Organisation (WIPO) held an information session on the music streaming market in March 2023. On this occasion, music creators highlighted the issues posed by music streaming, discussing the importance of music metadata requirements and how legislators can improve transparency in music streaming (WIPO, 2023).

At the European Union (EU) level, the 2019 Directive on Copyright in the Digital Single Market harmonised copyright rules in the EU and introduced provisions aimed at improving transparency and the contractual position of authors and performers, including in the area of music streaming (Furgal, 2022). However, even though an ambitious implementation of the Directive will improve authors' contracts, it will not resolve the variety of issues that music streaming poses for music creators and the sector at large. In January 2024, the European Parliament adopted a report on the conditions of authors in the music streaming market, drafted by MEP García Del Blanco (S&D, Spain) (European Parliament, 2023). The report called for fairer remuneration of authors and performers, the improvement of music metadata, the exploration of alternative revenue distribution models, the creation of a European Music Observatory, and the promotion of European works. It also called for an assessment of the impact of contractual practices, revenue models, and the high level of concentration in the European streaming market on creators' remuneration



and cultural diversity. These recommendations are to be adopted through an ambitious strategy and a structured dialogue with all stakeholders. It is now up to the European Commission, EU Member States, and stakeholders in the music industry to take concrete action to implement these recommendations.

Imbalances in the current streaming system and how to solve them

The streaming market and competition issues

A significant disparity exists in the distribution of revenues from music streaming. The market is dominated by three major record labels (Universal, Sony, and Warner) (Hesmondhalgh, 2021: 3605), who continue to have the upper hand in negotiations of licensing terms with streaming platforms and royalty rates compared with music authors and performers. The current revenue repartition reflects

favourable to music authors. This uneven playing field has seriously negative repercussions on the income of music authors (ECSA, 2023). Policymakers need to tackle these conflicts of interest and address the negative effects caused by the high level of concentration in the music rights sectors, where the three major record companies leverage their market power to secure preferential treatment.

What are streams and how to count them?

Adding to the overall remuneration problem is the current system for distributing the income generated by each stream. The so-called pro-rata model, adopted by Spotify and other services, sees revenues being allocated among rights holders based on the proportion of total streams that each track has generated on the platform (Hesmondhalgh, 2021). The pool of revenues from subscription fees is thus divided according to the number of overall streams generated by each track, and not according to the streams of each single user (Maasø, 2014: 4). The resulting system encourages fraud and overvalues tracks listened to by heavy streaming users while undervaluing those played by average listeners. A 2021 French study indicated that only 30 per cent of listeners are responsible for determining 70 per cent of the overall royalty distribution on streaming platforms (Centre national de la musique, 2021: 17).

Industry discussions and agreements

In order to respond to increasing criticism, major labels and streaming services recently announced new models on their platforms. One such initiative is the so-called artist-centric model, announced by French streaming service Deezer and major label Universal in late 2023 (UMG, 2023). Among other reasons, the joint project is motivated by the rise of what the two companies call 'non-artist noise content' – functional audio, such as ambient sounds, uploaded with the sole aim of generating quick royalty payments (Bedingfield, 2023).

A supermarket would not be able to sell even a sandwich without displaying information about its content, yet a track can be featured on a streaming service despite lacking any music author information. Minimum viable data requirements from point of release are essential to ensure accurate and comprehensive metadata allocation, and a recording should not be allowed to be featured on a streaming service without an International Standard Musical Work Code (ISWC).

a business model based on sales of CDs (Sinnreich, 2015), where over 60 per cent of the cost of a CD came from manufacturing and distribution expenses (Wallis, 2007). This no longer makes sense in today's digitalised music market. In addition, major record labels own both the recording and the publishing rights, and they tend to favour the former over the latter in licensing deals, as record deals traditionally benefit the labels, while publishing deals are more

The new model has two main components: tracks with at least 1,000 monthly streams and 500 unique listeners will receive extra compensation, while functional audio will be excluded from the distribution of royalties (UMG, 2023). Spotify has announced similar changes to reduce royalties distributed to fraudulent or non-music content, arguing that these types of tracks divert royalties from actual music creators (Spotify, 2023). Its three-



pronged approach sees the introduction of a minimum annual stream threshold under which tracks will not generate any royalties, financial penalties for distributors whose tracks have been involved in fraudulent activity ('fake' streams) (Nicolau, 2023), and a minimum play-time threshold for functional audio tracks before they start generating royalties (Spotify, 2023).

Despite introducing a few positive developments, such as tackling fraudulent practices, these models, which have been announced without consulting music creators and artists, will further skew the distribution of revenues in favour of dominant market players. Minimum-stream thresholds are set to boost the revenues of major labels (Stassen, 2023) to the detriment of self-releasing artists and cultural diversity (Mulligan, 2023), in part because 86 per cent of total streams go to the 'back catalogue' (music older than 12 months) (Gilbert + Tobin, 2023). One argument advanced in favour of the thresholds is that, at any rate, artists with few streams do not earn much from royalties and thus the impact on their income would be minimal. Other industry players have criticised this new model and described it as a 'reverse Robin Hood' system (Cooke, 2023). Indeed, streaming revenues from self-releasing artists have been growing in recent years and accounted for 8 per cent of revenues in 2022 (Mulligan, 2023). The introduction of minimum-stream thresholds will completely erase these revenues, which will instead be distributed to major labels, increasing their market share, with harmful consequences for new and emerging acts (Smith, 2023).

It is due time for policymakers and competition authorities to assess these new models and, more generally, to reflect on how streaming services allocate their revenues, together with the community of music makers and music lovers. Despite conflicting evidence on its feasibility and efficacy (Centre national de la musique, 2021), the user-centric payment system represents a fairer and more transparent alternative to the current model by distributing subscription revenues according to each user's individual streams. This solution would not only help prevent fraud and increase consumers' trust but also promote cultural diversity and niche genres.

The legal nature of a stream

Addressing the legal nature of a stream is fundamental to fixing the unfair repartition of the streaming pie. The current classification of streaming, supported by the major labels, sees streams as being equivalent to sales (House of Commons, 2021a: 36). This definition favours recording over publishing rights, leading to a revenue distribution that rewards record companies to the detriment of music authors. The argument behind this is that streaming, unlike broadcasting, has an on-demand functionality: listeners can choose which songs they want to play (House of Commons, 2021a: 36).

However, this definition fails to recognise the complexities of music streaming and the way in which listeners are introduced to and consume music. For instance, the autoplay function

and algorithmic playlists on streaming services allow listeners to have a more passive experience, consuming music that the platforms select for them (House of Commons, 2021a: 38). Streaming can be considered a new mode of exploitation, more akin to a broadcast than a sale, with repercussions for the repartition of revenues to rights holders. In addition, streaming is itself affecting other modes of exploitation, for example by decreasing the prominence of radio and public broadcasting services (House of Commons, 2021a: 38). For these reasons, policymakers should address the issue of the legal classification of streaming by providing a solution that reflects the complexities of music streaming and ensures a fairer distribution of the revenue pie.

Metadata and identification of creators on streaming services

Another issue impacting the remuneration of authors involves the inaccurate reporting of music metadata on streaming platforms. Inaccurate metadata has become a well-known and costly issue within the music industry (House of Commons, 2021a: 50), with misallocated or unallocated streaming royalties amounting to at least GBP 500 million globally every year (Ivors Academy, 2021). Metadata refers to key information about an audio file, including details about the creators and rights holders of the track (ECSA, 2023). Missing or inaccurate metadata can lead to problems with identifying and remunerating the legitimate rights holders. When the correct authors cannot be identified, it is common for royalties to be withheld and allocated to other rights holders according to their share of the market, even resulting in payments being made to the wrong creators (Sellin & Seppälä, 2017: 7). This issue stems in part from an established tradition of poor data management by record labels, which has led to tracks being released with inaccurate or insufficient metadata (Sellin & Seppälä, 2017: 12). Another cause is the existence of multiple reporting standards, which hinders the consistent and uniform application of identifiers, as well as the absence of a comprehensive and authoritative database for music metadata. Further making the process less transparent is the fact that metadata can also be modified by different participants along the chain (Sellin & Seppälä, 2017: 16–17).

Music metadata plays a pivotal role in ensuring that music authors receive accurate and timely remuneration for their work. A supermarket would not be able to sell even a sandwich without displaying information about its content, yet a track can be featured on a streaming service despite lacking any music author information. Minimum viable data requirements from point of release are essential to ensure accurate and comprehensive metadata allocation, and a recording should not be allowed to be featured on a streaming service without an International Standard Musical Work Code (ISWC, 2023). In 2021, the Ivors Academy and the Music Rights Awareness Foundation launched the global initiative Credits Due (2023) with the aim of ensuring that accurate and complete metadata is attached to all music recordings at the point of creation. Streaming platforms should also collaborate more closely with

collective management organisations to ensure and facilitate the identification process of rights holders. Additionally, policymakers could support initiatives to increase awareness among young music authors about the importance of metadata.

Transparency in algorithms and playlists: streaming platforms as gatekeepers?

Music streaming has transformed not only the way in which music is consumed, but also the way in which it is discovered. Combining proprietary algorithms and human curators, streaming platforms serve as today's gatekeepers of the music industry, whereas in the past this role was played by human intermediaries such as radio programmers, journalists, and other experts (Bonini & Gandini, 2019). Placement on an influential playlist, especially towards the beginning (Hesmondhalgh, 2021), can have a major impact on a music creator's chances of success and remuneration (Legrand Network, 2022: 22). One study indicated that 20 per cent of music listening on streaming platforms comes from playlists (Competition & Markets Authority, 2022: 61), and many more consumers listen to playlists than to albums (Bonini & Gandini, 2019). Despite their influence, however, transparency on how these playlists are curated is often lacking. In addition, streaming services make use of algorithms to drive music discovery, provide recommendations, and shape consumer profiles. According to Spotify CEO Daniel Ek, more than 30 per cent of music consumption on Spotify is the direct result of recommendations made by Spotify's own algorithms and curation teams (Bonini & Gandini, 2019).

The lack of transparency in how these tools work and affect consumer listening behaviour raises important questions regarding discoverability, cultural diversity, and the promotion of works by European creators (ECSA, 2023). The promotion of cultural diversity and of European works should not be left to the commercial whims of a handful of dominant global platforms. Given the major influence of algorithms and playlists in determining the success and remuneration of music creators, policymakers should require streaming platforms to be more transparent about the way in which these tools operate while guaranteeing the visibility and accessibility of European works.

Conclusion

The rise of music streaming has revitalised the music market, returning revenues to levels unseen in the past 15 years. However, the transformation of the industry has also maintained old inequalities and created new problems for music authors, who consider the current streaming ecosystem to be unsustainable. With music streaming continuing to expand, it is paramount that these issues are addressed in a timely manner. While policymakers have increasingly been seeking to improve the situation, further action is needed:

- It is crucial that they address the consequences of increased concentration in the music market, which is dominated by three major companies.
- In parallel, policymakers should tackle the flawed pro-rata distribution model and ensure that the revenues from music streaming are shared fairly among all rights holders, including by investigating the legal classification of streaming.
- There is also a need to be more transparent and establish mandatory standards on metadata reporting and on the use of algorithms for recommendations and playlists, which impact the remuneration of music creators as well as cultural diversity and the visibility of European works.
- Building on the report adopted by the European Parliament, the European Commission and EU Member States should work closely with all music business stakeholders on an ambitious and comprehensive reform.

Addressing the current issues is the only way to ensure a fair and sustainable future for music creators and the entire music ecosystem.



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NOTE FROM THE INDUSTRY

European Music Streaming Services

Successes, Benefits, Dilemmas

—
OLIVIA REGNIER

Chair of Digital Music Europe (DME)

Introduction

Today, on-demand streaming is the most popular way people find and enjoy music from around the world. Streaming services are critical to the success of the music ecosystem – lowering barriers to entry for artists, democratising access to music for listeners everywhere, and driving a healthier, more diverse music industry than ever before.

Europe provides the leading companies of this sector. The EU is a hotbed of innovation and home to many success stories in digital music. Leading European music streaming platforms, including Deezer, Qobuz, Jamendo, SoundCloud, Spotify, and Soundcharts, have helped transform the music landscape over the last 15 years.

Key driver of the European music sector

Technology has democratised artists' access to global music markets and helped them gain exposure locally and internationally. Over the last 15 years, music streaming services have enabled more musicians than ever before to cross borders and find new audiences.

Streaming is also a significant driver of cultural diversity. European music streaming companies champion European music in all its diversity, and multiple studies show that streaming platforms enable more discovery and diversity of listening than any other medium or historical alternatives, such as radio or physical sales (Datta, Knox, & Bronnenberg, 2018; DiMA, 2023).

Local European repertoire is also thriving on streaming platforms. Studies commissioned in France, Spain, and Poland (Page & Dalla Riva, 2023) demonstrate that local artists and songs are more popular and streamed more than ever before. Local artists are dominating streaming charts across Europe and consistently represent the top streamed artists in their home countries.

A recent study by the Centre National de la Musique (CNM, 2022) in France showed that of the top 4,740 artists streamed on the main services, 43 per cent are French speaking. Among them, 88 per cent are emerging artists. A recent Sony executive also noted that 'in 2022, we grew from 44% local artists in our Top 200 to 60% – and it's a trend that is still growing' (IFPI, 2023). The development and popularity

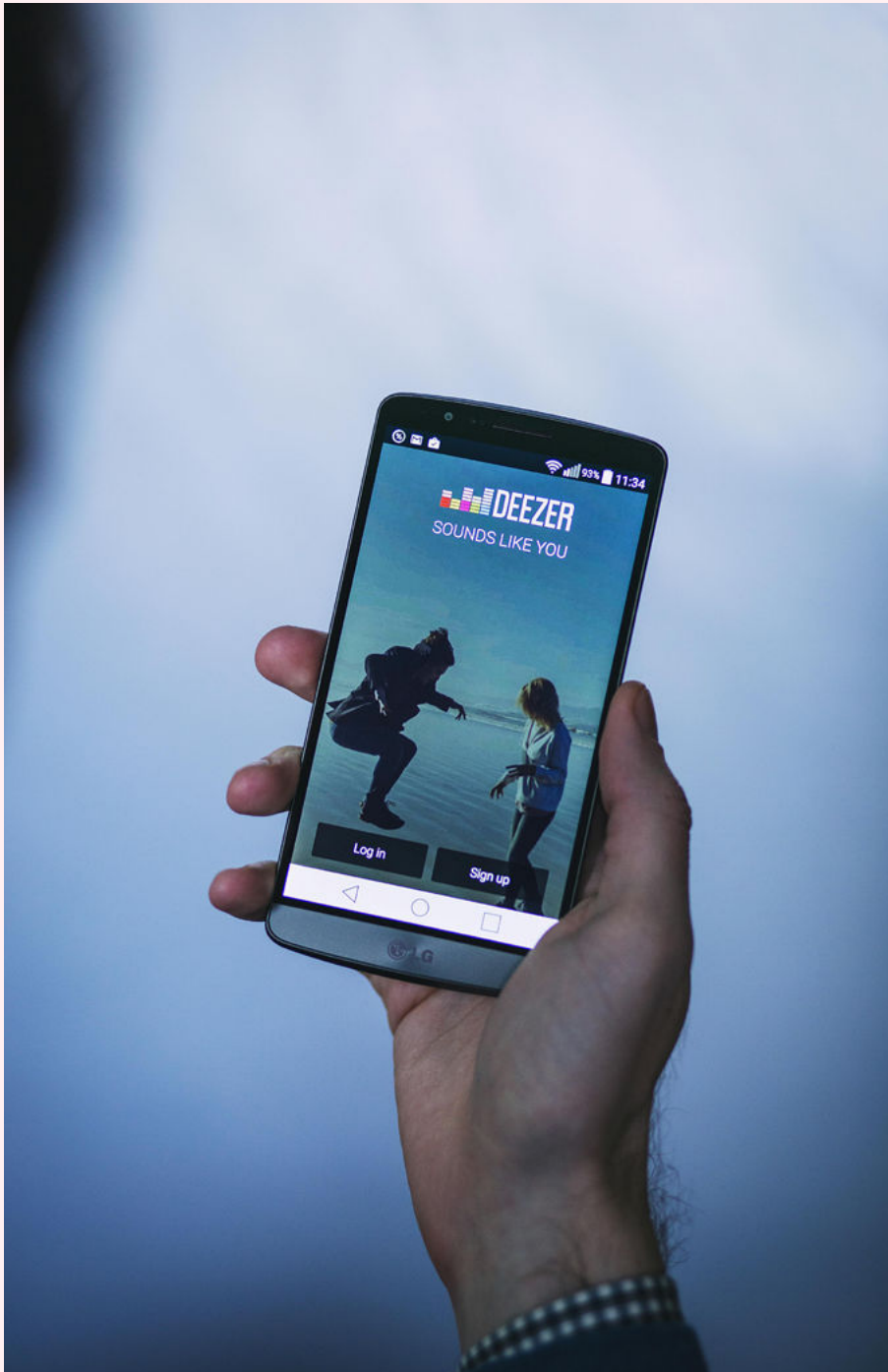
of local repertoire is confirmed by a sharp decrease in the streaming of English-language repertoire in recent years, from 52 per cent to 30 per cent across several European countries (The Economist, 2022).

A recent report from IFPI (2023) showed that subscribers of audio streaming services report the most diverse listening habits of all formats, citing eight genres on average among their favourites (IFPI, 2022). This trend is leading to an increasingly large number of artists composing the top streams and a wider distribution of streaming revenues.

Cultural diversity, freedom of choice, and algorithmic personalisation

The ability to discover new music is one of the main reasons consumers choose to pay for subscriptions over free or illegal alternatives. While the majority of listening on Spotify is user-driven, playlists and algorithmic recommendations play a useful role in facilitating the discovery of new artists, genres, and songs that are





relevant for listeners. A recent survey of music listeners found that 86 per cent of streaming users find streaming recommendations relevant and useful (DiMA, 2023). Without them, users would be faced with a static library and would be far more likely to play a more limited number of artists and songs.

However, the influence of algorithms and playlists should not be overstated. Streaming is by its very nature on-demand, and European users always want to keep their freedom of choice. In this respect, several studies and data show that a majority of streams are still user-led, for example through user searches and the creation of their own playlists (CMA, 2022: 62, Table 2.14; CNM, 2022: 21).

New technologies – new dilemmas

The emergence of new technologies and business models has provoked questions in Europe about how to ensure a sustainable environment for artists, authors, and businesses across the music value chain.

Streaming offers many unique opportunities to creators that simply did not exist in the physical era. In addition to greater exposure to local and international audiences, the data and tools provided by streaming services to creators and their teams are helping them to succeed in new ways. For instance, sophisticated data analytics about their fans, their stream counts, the popularity of their tracks in different countries, and other resources help artists and authors to understand their audience and manage their online presence. This data is

also being leveraged by creators and managers to develop other revenue streams, for instance helping them to plan tours where artists are popular or sell merchandise to their most engaged fans.

At the same time, technological advancement also raises new debates over such things as the remuneration of creators. European music streaming services pay close to 70 per cent of their gross music revenues to rights-holders, including record companies, publishers, and authors' collective management organisations (CMOs). These payments have led to a resurgence in the wider music industry's growth, after many years of decline.

As a result, the sector is thriving economically, and the pie is growing for everyone involved. The revenues of the recorded music industry have been growing consistently since the emergence of streaming and grew again by 7.5 per cent in Europe in 2022 (IFPI, 2023). Authors' CMOs have also recorded strong revenue growth in recent years, reporting a 26.7 per cent increase in global collections to €12.07bn in 2022, driven by digital collections (+33.5 per cent) (CISAC, 2023). This growth trend is replicated across Europe, with authors' CMOs in countries such as Germany, France, Greece, Spain, Sweden, Italy, the Netherlands, Bulgaria, and Belgium all recording strong revenue growth in recent years (CISAC, 2023),¹¹⁴ in particular from online collections, including in the years prior to the COVID-19 pandemic.

At the same time, it is important to note that streaming services do not pay artists and authors directly – rather, we contract with licensing partners

such as labels, CMOs, or distributors, who then distribute revenues based on contractual terms. Streaming services do not determine how much the artists ultimately receive from these licensing partners. Music streaming services are also not yet profitable or operate on razor-thin margins.

Policy challenges: a need for a balanced and comprehensive approach

The debate about artists' remuneration as well as other complex issues needs to be carefully examined. Any policies must be balanced for everyone involved. For policy-makers to do so, it is essential to gather a complete picture of the European music streaming market, including all its players, and evidence on its functioning and economics, in order to identify problems and possible solutions.

A constructive dialogue between industry representatives and policy-makers on national and European levels is vital. Even more important is that these policy discussions are fact-based and look at the entire music value chain. They should take into account the consumer, legal, and economic realities in which streaming services operate, and they should ensure that European music streaming companies can continue to grow, for the benefit of consumers, creators, and the music sector as a whole.

Digital Music Europe represents leading European music streaming platforms, including Deezer, Qobuz, Jamendo, SoundCloud, Spotify and Soundcharts. They have revolutionised

the way music is accessed, discovered, and enjoyed throughout Europe and the world, to the benefit of millions of consumers and creators.

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Section 3

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- 108 The fundamental idea of work for hire is that, unless otherwise explicitly provided for in the contract, the employer or contractor is the first owner of any intellectual property acquired through the course of the activity during the term of employment – in other words, corporate authorship.
- 109 Directive (EU) 2019/790 recital 72: 'Authors and performers tend to be in the weaker contractual position when they grant a licence or transfer their rights, including through their own companies, for the purposes of exploitation in return for remuneration, and those natural persons need the protection provided for by this Directive to be able to fully benefit from the rights harmonised under Union law.'
- 110 A loss leader is a product sold at a price below its market cost to boost the sales of another, more profitable good or service.
- 111 Directive (EU) 2019/790 Article 4, exception or limitation for text and data mining.
- 112 <https://wearealbert.org>.
- 113 <https://tech.ebu.ch/groups/sustainability>.
- 114 For annual reports and publicly available information, see, for example, GEMA, <https://www.gema.de/en/about-gema/publications/annual-report-1>; SACEM, <https://societe.sacem.fr/en/news>; Autodia, <https://www.cisac.org/Newsroom/articles/cisac-discusses-collective-management-greek-government>; SGAE, <https://www.sgae.es/informe-gestion-2022/>; STIM, https://www.stim.se/sites/default/files/22-5706_ar-stim22_eng.pdf; SIAE, <https://www.siae.it/it/>; BUMA, <https://jaarverslag.bumastemra.nl/2022/jaarverslag/rechtenopbrengsten/>; MUSICAUTOR, https://www.musicautor.org/images/dokumenti/musicautor/godishen_otchet/Godishen_otchet_2022_MUSICAUTOR.pdf; SABAM, https://www.sabam.be/sites/default/files/chiffres_cles_2022.pdf.



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