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The European Parliament within the global governance of culture: Voice and influence

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Abstract: The paper deals with the international actorness of the European Parliament (EP) within the global governance of cultural industries, and in particular with its ability to promote the Convention on diversity of cultural expressions (CDCE) on its international relations and on the EU international agreements. In this respect, it attempts to analyse empirically not only the EP's interests and strategies about the CDCE and its place within the EU external relations, but also the ways that the EP shapes the process of the global governance of cultural industries, challenging its political asymmetries and hierarchies. In this sense, the paper draws five main conclusions: a. it illustrates a recent multiplication of EP resolutions and of written parliamentary questions towards the culture in EU external relations, and especially the link between trade agreements and culture; b. the EP seeks to promote a more normative position for the global governance of cultural industries, taking cultural concerns seriously into account; c. the negotiations between EU and United States reveal that the EP does not follow the pro-liberalization agenda of the European Commission and especially of DG Trade. On the contrary, the EP sided with the French government and the cultural professional organizations and it interpreted the CDCE as a normative tool protecting and promoting the cultural policies in the context of the trade negotiations; d. the EP's votes towards the culture in EU external relations follow more the national cleavages existing within the European Council rather than a left-right divide, showing that the national lines seem to be a substantial factor in order to understand the EP's preferences; e. despite the establishment of an international normative framework towards the cultural sector and the inclusion of the culture as a component of the EU foreign policy, the EP's diplomacy has not yet fully integrated the culture among its priorities. In this sense, the different aspects of the cultural sector such as the cultural and creative industries or the tangible, natural and intangible cultural heritage are absent from the discussions of the EP with national and other regional parliaments.

Key words: European Parliament, international norms, EU foreign policy, parliamentary diplomacy, cultural industries, diversity of cultural expressions, trade agreements.

(Preliminary draft, do not quote without permission)

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The Convention on the protection and the promotion of the diversity of cultural expressions (hereafter ‘the CDCE’) - adopted by UNESCO in October 2005 - has so far received the membership of 138 States and of the European Union (EU) and it is now a main international instrument within the global governance of cultural industries. The EU has played a critical role in the negotiation leading to the CDCE’s adoption. It participated as a single entity within the intergovernmental UNESCO arena and it spoke with two voices during the negotiations, that of the European Commission (EC) and that of the Presidency of the Council. In April 2005, the European Parliament (EP) published a resolution ‘on working towards a Convention on the protection of the diversity of cultural content and artistic expression’ and it pointed out that “the Convention represents a serious attempt to address the challenges posed to cultural diversity through globalisation and international trade policy and welcomes the process of establishing a binding standard-setting instrument for the protection of cultural diversity”, insisting also that “the Commission should not only provide the Council with updates on the negotiations within UNESCO, but must also ensure that Parliament is kept fully informed” (European Parliament 2005).

In this respect, my contribution addresses the question of the role played by the EP and its international actorness in order to influence the agenda of the global governance of cultural industries, and in particular its ability to promote the CDCE and its normative framework on its international relations and on the EU international agreements. Cofelice and Stavridis (2014: 146) point out that parliamentarians engage in international affairs “by trying to influence foreign policy, mainly through national parliaments, conducting diplomatic relations (known as *parliamentary diplomacy*), and establishing and empowering parliaments as representative bodies of international or regional organizations”.

More specifically, after the entry into force of the Treaty of Lisbon, the EP, without strong formal role in the previous decades, can give or withdraw its consent to most international agreements and its power has increased. The EP is now capable of controlling the EC during both the agenda setting and the negotiation stages (Passos 2011, Richardson 2012). Its involvement is set to transform its relationship with the Council and its capacity to influence and control the EC, which plays an overarching role in defending, defining and promoting the EU’s interests. In addition, the new Framework Agreement between the EP and the EC makes explicit the involvement of the EP by stating that the EC shall provide EP with all the information on the negotiation and conclusion of international agreements “in sufficient time for the EP to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament’s views as far as possible into account” (European Union 2010: 51).

On the one hand, by global governance of cultural industries (Vlassis 2014, 2015a), I mean a system for organizing the relations of power and of regulation at the world level (Cabrera 2011); it is composed of rules, norms and institutions, affecting several aspects of cultural goods and services (creation, production, distribution, exhibition, status of artist, etc.) and allowing the involved actors to coordinate their practices in a context of disaggregated sovereignty (Slaughter 2005), of polyarchic authority (Avant, Finnemore and Sell 2010) and of absence of global government (Rosenau 1997). The global governance of cultural industries is not so much a harmonious and static approach for the today’s international cultural relations, but rather a continuous process within which a constant game of bargaining, exchanges, and political battles is made (Smouts 1998).

On the other hand, recent research offers useful insights on the EP’s role in the EU external relations and its capacity to influence and shape the world affairs agenda in a variety of fields (Stavridis and Irrera 2015), on the inter-regional relations established by the EP (Costa, Dri

and Stavridis 2013), as well as on the EP's actorness vis-à-vis the EC and the European Council regarding the international negotiations (Elsig and Dupont 2012, Ripoll Servent 2014, Van den Putte, De Ville and Orbie 2014). Even though recent scholarship has explored many dimensions of the EP's international relations, it focuses more on policy outcomes rather than on policy process and it aims to assess the overall impact of the EP in the EU external affairs. Conversely, my contribution is more concerned with analysing the policy process through which the EP's strategy is formulated in light of an international normative tool and with understanding how the EP's cultural action emerges, from whom and why. In this sense, my paper attempts to analyse empirically not only the EP's interests and strategies about the CDCE's normative framework and its place within the EU external relations, but also the ways that the EP shapes the process of the global governance of cultural industries, challenging its political asymmetries and hierarchies.

The paper – based on document analysis and semi-structured interviews with several involved actors (high ranking EC officials/Members of the European Parliament-MEP) – addresses the issue in five main steps. It firstly draws up an inventory of the EU's role within the global governance of cultural industries. It further seeks to analyse the EP's preferences towards the issue 'Culture in EU external relations' and to emphasize the growing role of EP regarding the interface 'trade and culture'. Finally, it offers an analysis on the EP's voting results in order to illustrate the cleavages towards the issues of the global governance of cultural industries and it deals with the activities of the EP with several national and regional parliaments for understanding the place of cultural sector in the EP's diplomacy.

A. The EU and the global governance of cultural industries: the rise of an international actor.

The CDCE – entered into force on 18 March 2007, with 56 States and one regional entity (EU) having deposited their instruments – is a main international tool within the global governance of cultural industries (cinema, music, book edition, etc.). It recognizes the importance of cultural public policies for the protection and the promotion of diversity of cultural expressions as well as the specificity of cultural goods and services. The CDCE seeks also to integrate culture in the development policies and reinforce the international cultural cooperation through the strengthening of transparency, the regular sharing of expertise and information between the Parties, the preferential treatment for developing countries, and the setting up of an International Fund for Cultural Diversity.

As Party to the CDCE, the EU has the formal right to implement and promote the CDCE in the same way as the Member States. The 'European Agenda for culture in a globalizing world', launched by the EC in 2006 and adopted in 2007 is the first policy framework for culture at EU level. It recognizes explicitly the EU as a cultural actor in external relations and it claims a leading role for the EU with respect to the CDCE's norms. More specifically, the Agenda is based on the provisions of the CDCE, seen as fully compatible with the *acquis communautaire* of the EU and it proposes three strategic crosscutting objectives: a. cultural diversity and intercultural dialogue; b. culture as a catalyst for creativity and innovation; c. culture in the EU's international relations. The third objective of the Agenda includes the enhancement of the role of culture in the EU's external relations and development policy as well as the promotion of the CDCE and of its implementation at international level (European Commission 2007: 10). In accordance with the European Agenda, the following official documents reaffirm the development of a new and more pro-active cultural role for the EU: in

2008, the ‘Cannes declaration’ presented on the European Day of the Cannes Film Festival, acknowledged “the utility of reinforcing audiovisual cooperation measures in the cooperation and trade agreements concluded the European Union and third countries” (European Commission 2008: 2); the European Council has adopted in 2008 the conclusions “on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States”; in 2009, the EC presented a working document on the “External Dimension of Audiovisual Policy”.

In addition, the Protocol on Cultural Cooperation (PCC) is a new policy instrument elaborated by the EC in order to promote the CDCE within the international trade law and its implementation through the bilateral trade agreements. Since 2008, the EC has introduced in total four PCCs¹: the PCC with the Cariforum² included in the Economic Partnership Agreement between EU and Cariforum and signed in 2008; the PCC with South Korea included in the EU-Korea Free Trade Agreement (FTA) and concluded in 2009; the PCC with the countries of Central America (CA)³ concluded in 2010 separately from the Association Agreement between EU and CA signed in 2012; the 2011 PCC with Peru and Colombia that was concluded separately from the FTA between EU and Peru/Colombia⁴.

Moreover, the Comprehensive Trade and Economic Agreement (CETA) between Canada and EU includes specific references to the CDCE and a chapter-by-chapter exemption of the cultural industries, whereas the directives for the negotiation on the Transatlantic Trade and Investment Partnership (TTIP) between the EU and US refer to “the right of the Parties to take measures necessary to achieve legitimate public policy objectives on the basis (...) of the promotion of cultural diversity as it is laid down in the UNESCO CDCE” (European Council 2014: 3).

To this picture it should be added the EU interregional cultural cooperation programs: the ACP (African, Caribbean and Pacific countries) Cultures+ Program funded under the 10th European Development Fund for an amount of 30 million euros; following the Barcelona Declaration on the Euro-Mediterranean Partnership signed in 1995, the three phases of the program Euromed Audiovisual I (2000-2005), II (2006-2009), III (2011-2014) were granted 42 millions euros; in the context of the Eastern Partnership launched in 2009, the Eastern Partnership Culture Program seeks to support the cultural industries of the Eastern neighbours of the EU, such as Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine and it has a budget of 12 millions euros for the period 2011-2014; in the context of the Interregional Framework Cooperation Agreement between the EU and MERCOSUR of 1995 currently in force, the EU provided the MERCOSUR Audiovisual Program with 1.5 million euros (total budget 1.86 million euros).

¹ In 2011, the EC signed also a Joint Program on Culture with the Ministry of Culture of Brazil. This Program set in train a series of initiatives “aimed at enhancing policy exchanges, in particular linked to the implementation of the CDCE”. The terms of the Program are not so developed like those of the PCC, even if some priorities are the same, such as the promotion of audiovisual co-productions.

² Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St Lucia, St Vincent and the Grenadines, St Kitts and Nevis, Suriname, Trinidad and Tobago.

³ Panama, Guatemala, Costa Rica, El Salvador, Honduras, Nicaragua.

⁴ The PCC with CARIFORUM countries has been applied since 2008 and the PCC with South Korea since 2011. Instead, the PCCs with Central America and with Peru/Colombia are not yet in force.

B. The EP and its preferences: promoting the normative basis of the global governance of cultural industries.

Since the publication of the European Agenda for culture in a globalizing world in 2007, the EP has multiplied its resolutions towards the culture in EU external relations with plenty of references to the CDCE's normative framework:

- Resolution on a European Agenda for culture in a globalizing world (10 April 2008)
- Resolution on the cultural industries in Europe (10 April 2008)
- Resolution on unlocking the potential of cultural and creative industries (12 May 2011)
- Resolution on the cultural dimensions of EU external relations (12 May 2011)
- Resolution on the European cinema in the digital era (16 November 2011)
- Resolution on the online distribution of audiovisual works in the European Union (11 September 2012)
- Resolution on the Implementation of the Audiovisual Media Services Directive (22 May 2013)
- Resolution on promoting the European cultural and creative sectors as sources of economic growth and jobs (12 September 2013)
- Resolution on Preparing for a Fully Converged Audiovisual World (12 March 2014)

By analyzing these resolutions, we find five common points that illustrate the EP's preferences about the issue 'Culture and EU external relations':

1. All the resolutions make explicit references to the CDCE. For instance, the 2013 EP resolution on the European cultural and creative sectors as sources of economic growth and jobs "considers essential for the EU and its Member States to maintain the possibility of preserving and developing their cultural and audiovisual policies, and to do so in the context of their existing laws, standards and agreements, including the UNESCO CDCE".
2. They recognize the dual nature of audiovisual media as cultural and economic assets allowing the EU and Member States to implement policies and specific measures. It is indicative that within the context of the publication of the Commission's Green Paper "Preparing for a Fully Converged Audiovisual World", the EP Resolution (2014) regrets explicitly "the Green Paper's lack of a specific reference to the dual nature of audiovisual media as cultural and economic assets".
3. The majority of resolutions call for the exclusion of cultural and audiovisual services, including provided online to be clearly in agreements, and especially trade agreements, between the EU and third countries. For instance, the EP Resolution on the European cultural and creative sectors as sources of economic growth and jobs (2013) emphasizes "the need to keep the cultural and audiovisual services outside the scope of the negotiating mandate for the EU-US free trade agreement, while pointing out that cultural and creative works are not goods like any others".
4. The common trade policy and the cooperation for development have to be consistent to the UNESCO CDCE normative framework. In this regard, the EP resolution on Culture in a globalizing world (2008) reminds the Commission that "the Community is duty-bound to implement the CDCE when exercising the competences it enjoys in policy areas which are covered by the CDCE, namely the common commercial policy, development cooperation policy, economic, financial and technical cooperation with third countries, free movement of

goods, persons, services, and capital, competition, and the internal market, including intellectual property”.

5. The CDCE normative framework and the specific nature of cultural goods and services have to be promoted by the EU on the international stage. In this sense, the EP Resolution on the Cultural dimensions of EU external actions (2011) calls the EEAS (European External Action Service) to “encourage third countries to develop policies on culture and systematically to call on third countries to ratify and implement the UNESCO Convention”.

C. Trade-culture and EP’s growing role: agenda-setter or agenda-follower?

From 2004 to 2014, 26 Parliamentary Written Questions (see Annex 1) are related to the subject ‘Culture and EU external relations’. It’s interesting to note that the difference between the Sixth and the Seventh European Parliament is substantial: 2 Parliamentary Questions during the period 2004-2009 and 24 Parliamentary Questions throughout the period 2009-2014. Regarding the content of these questions, 17 deal with the trade agreements and in particular with three specific issues: the Protocols on Cultural Cooperation, the CETA and the place of cultural/audiovisual services, as well as the TTIP and the audiovisual services. Moreover, two questions are specifically focused on the CDCE’s implementation and five more questions are related to the EU cultural diplomacy and the bilateral cultural relations (EU-China, EU-Brazil).

Since 2009, the EP has been more and more active towards the issue ‘Culture and EU external relations’, seeking to play a bigger role especially in the question on trade agreements and cultural services. An illustrative example is the EC’s mandate for the negotiations on the TTIP between EU and US and the active involvement of the EP in the first phase of the trade negotiations, even though the Lisbon Treaty does not stipulate this.

The negotiations on the TTIP – supposed to become the world’s largest free trade area (Morin et al. 2015) – is a real test for the EP’s actorness and for the treatment of cultural goods and services by the FTAs within the digital era. In the context of the rise of a new dynamic economy based on the information technology revolution, the Obama administration is no longer seeking to challenge the financial and regulatory capacity of governments in the field of the ‘traditional’ cultural services, such as movie theatres, physical video services, conventional television, but it aims to prevent the implementation of regulatory measures in the on demand audiovisual media services, such as catch-up TV services, branded channels of broadcasters on open platforms, video-on-demand film services, representing a strong potential of growth. According to the US administration, all these firms are an integral part of the e-commerce or the ICT sectors. Thus, they have nothing to do with the culture and any regulation must be “the least restrictive on trade, non-discriminatory and transparent”, promoting “an open market environment” (US Congress 2014).

In March 2013, the EC decided to include the audiovisual services within its project of mandate for the negotiations on the TTIP. Only three European commissioners, namely Androulla Vassiliou, commissioner for Education and Culture, Michel Barnier, commissioner for Internal markets and Services, as well as Antonio Tajani, commissioner for Industry and Entrepreneurship came out against the inclusion of sensitive areas such as culture and audiovisual sector in the mandate (Inside US Trade, 2013). “*The Commission’s mandate was a choc for some European Commission’s DGs, a brutal split regarding our previous*

principles. The personality and the conceptions of the Trade Commissioner were crucial for the final decision” (Interview with a high-ranking EC official, 9 January 2015). It is more than indicative that the Trade Commissioner Karel De Gucht, in his written answer to the parliamentary question of the Portuguese MEP Diogo Feio (European People’s Party), stressed “the EU has made commitments as part of the UNESCO CDCE. The question is not whether cultural diversity must be defended in the negotiations on a new partnership for trade and investment with the United States (TTIP), but what is the best way to do this”.

However, in June 2013, 27 EU governments agreed on the exclusion of audiovisual services from the EC’s mandate on the TTIP. Clearly, the current debate highlights a political gap between two divergent positions, which already appeared in the General Agreement on Trade in Services (GATS) negotiations in 1993 (Littoz Monnet 2007, Vlassis 2015b) and it shows a sort of institutional schizophrenia within the EU (Pannebianco 2006).

On the one hand, the interventionist position stresses an exclusion of audiovisual services from the agenda of trade negotiations and it recognizes the social, identity and cultural aspects of the regulative mechanisms on the audiovisual services, including digital ones. It is widely defended by France, Italy, many European Ministries of Culture, the EP, as well as the organizations of culture professionals. More specifically, in May 2013, the French Minister of Culture and Communication, Aurèlie Filippetti has published a letter defending the cultural exception addressed to the Irish EU presidency and to the EC. The letter was co-signed by the Austrian, Belgian, Bulgarian, Cypriot, German, Hungarian, Italian, Polish, Portuguese, Romanian, Slovenian, Slovak and Spanish culture ministers. In May 2013, the EP voted a resolution asking, “cultural and audiovisual services, including online ones, be excluded from the negotiating mandate, in order to protect the cultural and linguistic diversity of EU countries (381 votes to 191 with 17 abstentions)” (European Parliament/News 2013). Even though the resolution had a no-binding character, it communicated the red lines of the EP. In this regard, the exclusion of audiovisual services, including digital ones from the TTIP is one of the EP’s conditions for its consent and the future ratification of the agreement. Finally, in late April 2013, the organizations of audiovisual and culture professionals, under the initiative of the Belgian filmmakers Luc and Jean-Pierre Dardenne, launched a petition ‘The cultural exception is not negotiable’ that raised over 8.000 signatories. In this context, on 11 June 2013, a high-profile delegation of the European audiovisual industry including Costa Gavras, Berenice Bejo and Christian Mungiu hosted a press conference in Brussels in order to promote the petition towards the European institutions.

On the other hand, the position defending the economic regulation of the cultural sector stresses that the EC should not exclude many commercial areas of its mandate in order to strengthen its negotiating position and to ensure a mutual relationship with the US, emphasizing the primacy of the consumer’s interests and the beneficial effects of the competition in the cultural sector. It should be mentioned that the UK, the Netherlands, the majority of Ministries of Economy and Trade, the majority of the European commissioners as well as the telecommunications operators and the big Internet companies encourage the economic regulation of the audiovisual sector and the dynamic inclusion of cultural services in the TTIP’s agenda.

Finally, it’s interesting to note that in October 2014, the European Council decided to declassify the negotiating directives for the TTIP. This decision is strongly linked to the rejection by the EP of the Anti-Counterfeiting Trade Agreement (ACTA) in 2012 with the result that the entire EU remained outside of the agreement and to the EP’s regrets about the

undemocratic and non-transparent nature of the EU trade diplomacy (Matthews 2012)⁵. In this regard, the negotiating directives for the TTIP make explicit reference to the CDCE and they state “the Agreement will not affect the capacity of the Union and its Member States to implement policies and measures to take account of developments in the cultural sector in particular in the digital environment” (European Council 2014).

D. The EP and the international cultural affairs: beyond the left-right division?

According to the recent research on the EP and the trade agreements (Van den Putte, De Ville and Orbie 2014), EP votes towards the international trade negotiations follow a left-right division, confirming the Hix & Noury (2009) argument that voting in the EP has evolved from national lines to political group lines. In this sense, in the EP votes on international trade, GUE/NGL (European United Left/Nordic Green Left) and the Greens vote against the trade agreements, whereas the ALDE (Alliance of Liberals and Democrats for Europe Group), the EPP (European People’s Party) and the ECR (European Conservatives and Reformists) are mostly in favor. For its part, the S&D (Socialists and Democrats) group is mainly aligned with the center-right groups on trade issues but with non-loyal members.

However, the analysis of the EP votes towards the issue ‘Culture and EU external relations’ gives some interesting findings (see also Annex 2): regarding the Resolution on the ‘Cultural Dimensions of EU external actions’, EPP, S&D, the Greens, and ADLE were mostly for the establishment of a coherent EU strategy on cultural affairs, whereas the GUE/NGL, the EFD (Europe of Freedom and Democracy) and the ECR were divided and a substantial number of MEP voted ‘against’ or ‘abstention’. Furthermore, in the separate vote of the Paragraph 9⁶, these three groups displayed a very low voting cohesion (35% and below). By contrast, it’s interesting to add that the majority of MEP voting ‘against’ or ‘abstention’ were mainly from three countries: the United Kingdom (UK), the Netherlands and Czech Republic⁷.

Likewise, regarding the resolution on the European agenda of culture in a globalizing world (2008), the MEP from ADLE, the Greens, EPP, S&D, and UEN (Union for Europe of the Nations) were mostly favorable (more than 80% voting cohesion), whereas several MEP from GUE/NGL (22 for-6 against-4 abstention) and IND/DEM (Independence/Democracy) (2-12-2) voted ‘against’ or ‘abstention’⁸. The analysis on the national votes reveals that the

⁵ Duncan Matthews (2012) points out that in July 2012, the EP rejected the Proposal for a Council Decision on the conclusion of the ACTA. The ACTA vote was the first time that the EP had exercised its new powers under the consent procedure to reject such an agreement. The ACTA negotiating process had begun, under the leadership of the US on 23 October 2007 in order to combat extensive international trade in goods and services infringing intellectual property rights and to address the lack of progress on measures to combat counterfeiting and piracy within the multilateral institutions. This stand-alone international agreement was adopted in 2011. In October 2011, Australia, Canada, Japan, South Korea, Morocco, New Zealand, Singapore and the US signed the ACTA and in January 2012, 22 EU Member States became signatories to the agreement.

⁶ Paragraph 9: The EP is concerned at the fragmentation of external EU cultural policy and projects, which is hampering the strategic and efficient use of cultural resources and the development of a visible common EU strategy of the cultural aspects of the EU’s external relations.

⁷ Note that we found the same voting power relations for the Resolution on ‘Preparing for a Fully Converged Audiovisual World’.

⁸ It is interesting to mention that the UEN and the IND/DEM are both Eurosceptic political groups, but their position is completely divergent regarding this resolution. It could be explained by the national origins of their MEP. Whereas the IND/DEM was mainly composed of the UK Independence Party’s MEP, the UEN was

votes ‘against’ or ‘abstention’ came especially from five countries: the UK, the Netherlands, Czech Republic, Denmark, and Sweden.

In addition, regarding the separate vote on the Paragraph 11⁹ of the EP Resolution on EU trade and investment negotiations with the US, only three parties had a high voting cohesion (90% and up): the Greens and the GUE/NGL in favor of the paragraph and the ECR against. A substantial number of votes ‘against’ came from three parties with a low voting cohesion: ADLE (20-42-1), EFD (14-4-5), EPP (141-71-6). In addition, the S&D voted for the Paragraph 11 but with non-loyal members (113-27-2). However, it’s no exaggeration to say that the explanation on this EP’s voting result relies more on the national cleavages rather than on the left-right divide: on the one hand, in many countries such as France, Portugal, Italy or Greece, the question of the exclusion of audiovisual services from the trade agreements is more than consensual; for instance, 60 French MEP voted for and only 1 against and 35 Italian MEP for and only 6 against. On the other hand, the MEP from Germany (33-36-0), the Netherlands (13-9-1), Czech Republic (13-6-0) and Spain (27-18-2) remained divided, whereas, the majority of the MEP from the UK (6-38-4) and Denmark (2-11-0) voted against the Paragraph 11.

In closing, two conclusions should be drawn from the analysis of the previous voting results. First, the issue regarding the establishment of a more coherent EU external strategy in cultural affairs faces the reluctance from several MEP of the Eurosceptic parties such as GUE, EFD, and ECR. Second, even though the question of the exclusion of audiovisual services from the trade agreements and of the protection of European and national cultural policies follows at first sight a left-right division, the national lines remain a substantial factor. As in the case with the EU external cultural action, the voting results reflect more the divisions of the European Council, which already appeared throughout the Television Without Frontiers Directive adoption in 1989 and the debate of the cultural exception¹⁰. Several EU countries, such as the UK, Denmark, the Netherlands, or even Sweden and Czech Republic are reluctant about the reinforcement of the EU intervention in the cultural sector or the protection of cultural policies within the trade agreements for two reasons: first, they have a more neoliberal policy agenda about the cultural affairs and they are skeptical towards the state intervention in this sector; second, they are in favor of a more pluralist policy model in the cultural sector based on the involvement of a multitude of actors, such as private foundations, associations, private sector and on a more discrete role of the national governments and of the European institutions (Poirrier 2011).

mainly composed of the MEP from the Eurosceptic Italian and Polish political parties (Alleanza Nazionale, La Destra, Lega Nord per l'Indipendenza della Padania, Prawo i Sprawiedliwość).

⁹ Paragraph 11: the EP considers it essential for the EU and its Member States to maintain the possibility of preserving and developing their cultural and audiovisual policies, and to do so in the context of their existing laws, standards and agreements; calls therefore, for the exclusion of cultural and audiovisual services, including those provided online, to be clearly stated in the negotiating mandate.

¹⁰ The initial *problématique* of the CDCE refers to the international circulation of cultural goods and services and to the treatment of the latter within trade agreements, since the capacity of governments to adopt and maintain cultural policies strongly depends on their international commitments. In 1990s, a big coalition of actors, driven by France and Canada, has defended « cultural exception » (*exception culturelle*) in order to exclude cultural products and services from the agenda of international negotiations on trade agreements, such as the last period of negotiations on the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO) in 1993, the negotiations on a Multilateral Agreement on Investment (MAI) within the Organization for Economic Cooperation and Development (OECD), as well as the negotiations on the free trade agreement (FTA) between the United States (US) and Canada (1989) and on the North Atlantic Free Trade Agreement (NAFTA-1994).

E. The absence of the cultural sector in the EP diplomacy.

Cofelice and Stavridis (2014: 161-165) argue that through the promotion of its inter-parliamentary assemblies, the joint parliamentary committees and the parliamentary cooperation committees with specific third countries or regions, “the EP has been particularly active in all international and regional cooperation dimensions”. In this sense, the EP seeks to promote and justify its own existence, status and efficiency as an international actor and to become a key force of the EU diplomacy, aiming to enhance the EU’s legitimacy and the EU impact in international affairs, especially in trade, development cooperation, human rights, environmental issues, the promotion of regional integration, democracy and good governance.

For the needs of our research, we focused on the activities of the EP with several national and regional parliaments: the 1st and 2nd meeting of the CARIFORUM-EU Joint Parliamentary Committee in June 2011 and April 2013; the activities of the ACP (African, Caribbean and Pacific countries)-EU Joint Parliamentary Assemblies from 2011 to 2014; the 11th-15th Inter-parliamentary Meetings EU-South Korea from 2008 to 2011; the EU-Panafrican Parliament Statements in 2007, 2010 and 2014; the resolutions of the Euro-Latin American Parliamentary Assembly from 2008 to 2014.

All these meetings of the EP with the national and regional parliaments and their resolutions and statements deal with a big range of issues: climate change, energy policies, education, food security, peace and security, financial crisis, sustainable development, trade relations, human rights, democratic governance, migration. However, by analyzing these official documents, it’s indicative that the different aspects of the cultural sector such as the cultural and creative industries (visual and performing arts, publishing, film and audiovisual arts, music, crafts, design, etc.) or the tangible, natural and intangible cultural heritage (building and historic places, cultural significant landscapes, monuments, artifacts, oral traditions, customs, traditional crafts, etc.) are absent from the discussions of the EP with other national and regional entities. The absence of the culture is more marked if we take into account that the world trade of creative goods and services totaled a record US\$ 624 billion in 2011 and that it more than doubled from 2002 and 2011. The average growth rate during that period was 8.8%, whereas growth in developing-country exports of creative goods was even stronger, averaging 12.1% annually over the same period (UNESCO-UNDP 2013: 9). In this sense, despite the establishment of an international normative framework towards the cultural sector and the inclusion of the culture as a component of the EU foreign policy, the EP’s diplomacy has not yet integrated the culture among its priorities. According to the MEP interviewed, a main reason could explain the absence of culture: the policy agenda of developing countries is composed of other priorities, such as eradication of poverty, migration, natural disasters, development cooperation and in this regard, the questions related to the cultural sector seem to be completely minor and marginal.

Nonetheless, it should be noted that in the 2nd Meeting of the CARIFORUM-EU Joint Parliamentary Committee, the latter called explicitly attention “to the considerable importance of the cultural industries, including education, sport, national heritage activities, training and exchanges, as an asset of the CARIFORUM States as well as of the EU” (Martin 2013). In the Joint Declaration, the Committee stressed the importance of the implementation of the Protocol on Cultural Cooperation, as a way to bring the two regions closer to each other. Moreover, the Committee noted that different actions and measures should be considered to develop it further, “such as twinning projects between creative cities in both regions and the setting up of an CARIFORUM Platform for the Culture and Creative Industries” (Martin 2013). It’s interesting to say that in 2011, KEA European Affairs, a Brussels-based research

and advisory company in relation to creative industries published a discussion paper on the cultural provisions of CARIFORUM-EU Economic Partnership Agreement¹¹ and it firstly made the proposition regarding the establishment of the CARIFORUM platform. According to the discussion paper, the platform should be set up in order to “stimulate business and cultural exchanges between the EU and Cariforum culture and creative sector” (KEA European Affairs 2011: 58).

In closing

The paper has offered a first investigation into the place of cultural industries within the EP’s diplomacy, the preferences and the role of the latter within the global governance of cultural industries and its influence in the EU foreign policy making. The preceding overview revealed five main points:

- a. The CDCE and its normative framework such as the specificity of cultural goods and services or the importance of cultural policies for the protection and promotion of the diversity of cultural expressions are an essential component of the EP’s preferences. In this sense, the EP seeks to promote a more normative position for the global governance of cultural industries, taking cultural concerns seriously into account.
- b. Our analysis illustrates a recent multiplication of EP resolutions and of written parliamentary question towards the culture in EU external relations and especially the link between trade agreements and culture. The EP uses these means in order to promote its preferences, to get its voice heard and to influence the EU policy-making and especially the two other institutional players, the European Commission and the European Council.
- c. The negotiations regarding the EC’s mandate on the TTIP showed that the EP is fully involved at the process and it does not follow constantly the pro-liberalization agenda of the EC and especially of DG Trade. In this sense, the case of the exclusion of the audiovisual services from the TTIP’s agenda involving both protectionist worries and normative issues constituted an EP’s red line for the future ratification of the agreement and it showed that the EP seem to be an influential political actor within the EU foreign policy making. The EP sided especially with the French government and the cultural professional organizations and it interpreted the CDCE as a normative international tool protecting and promoting the cultural policies in the context of the trade negotiations.
- d. The EP’s votes towards the culture in EU external relations follow more the national cleavages existing within the European Council rather than a left-right divide, revealing that the national lines are a substantial factor in order to understand the EP’s voting results. In this respect, several MEP from the UK, Denmark, the Netherlands, Sweden, and Czech Republic are reluctant about the reinforcement of the EU cultural diplomacy or the protection of cultural policies within the trade agreements for two reasons: first, they have a more neoliberal approach about the cultural affairs and they are skeptical towards the governmental intervention in this sector; second, they are in favor of a more pluralist model based on the involvement of a multitude of actors, such as private foundations, associations, private sector and on a more discrete role of the national governments and of the European institutions.

¹¹ The report has been prepared by KEA European Affairs for the European Centre for Development Policy Management (ECDPM), “an independent foundation at the policymaking interface between EU and its partners in the South”. The core funder of the Centre is the government of the Netherlands.

- e. The different aspects of cultural sector such as the cultural and creative industries and the tangible, natural and intangible cultural heritage are completely absent from the discussions of the EP with other national and regional parliaments. Despite the establishment of an international normative framework towards the cultural sector and the inclusion of the culture as a component of the EU foreign policy, the EP's diplomacy has not yet integrated the culture among its priorities. A main reason is that the policy agenda of developing countries is composed of other priorities, such as eradication of poverty, migration, natural disasters, development cooperation and in this regard, the questions related to the cultural sector seem to be minor and marginal.

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ANNEX 1

2004-2014, WRITTEN PARLIAMENTARY QUESTIONS REGARDING CULTURAL AFFAIRS AND EU EXTERNAL RELATIONS.

YEAR	MEP	SUBJECT
2015	Gabriel Mato (PPE), Carlos Iturgaiz (PPE)	Support for cross-border cultural cooperation projects
2014	Isabella Adinolfi (EFDD), Ignazio Corrao (EFDD), Dario Tamburrano (EFDD), Helga Trüpel (Verts/ALE), Curzio Maltese (GUE/NGL)	TTIP-Cultural exception, cultural services and products
2013	Morten Løkkegaard (ALDE) and Marietje Schaake (ALDE)	Culture in external relations
2013	Diogo Feio (PPE)	Cultural exemption-controversy surrounding utterances by the Commission President
2013	Philippe Boulland (PPE)	The cultural exception of European cinema.
2013	Marielle Gallo (PPE)	Transatlantic trade and investment partnership-exclusion of audiovisual services.
2013	Diogo Feio (PPE)	Cultural exception for European films and audiovisual works.
2013	Diogo Feio (PPE)	Sixth EU-Brazil Summit Joint Statement-culture.
2013	Malika Benarab-Attou (Verts/ALE), Robert Rochefort (ALDE), Marie-Thérèse Sanchez-Schmid (PPE), Isabelle Thomas (S&D), Marie-Christine Vergiat (GUE/NGL), Silvia Costa (S&D)	Transatlantic trade and investment partnership between the EU and the United States of America.
2013	Nikolaos Chountis (GUE/NGL)	European cinema and EU-US trade negotiations.
2013	Nuno Melo (PPE)	Audiovisual-free trade agreement with the US.
2013	Matteo Salvini (EFD), Mara Bizzotto (EFD), Lorenzo Fontana (EFD), Oreste Rossi (EFD), Fiorello Provera (EFD), Francesco Enrico Speroni (EFD), Claudio Morganti (EFD), Giancarlo Scottà (EFD), Mario Borghezio (EFD), Lara Comi (PPE), Paweł Zalewski (PPE), Marie-Thérèse Sanchez-Schmid (PPE), Dimitar Stoyanov (NI)	EU-US Free Trade Agreement and protection of European audiovisual production
2012	Constance Le Grip (PPE), Tokia Saïfi (PPE) and Jean-Marie Cavada (PPE)	Protecting the diversity of cultural expressions in the EU-Canada Free Trade Agreement.

2012	Constance Le Grip (PPE), Tokia Saifi (PPE) and Jean-Marie Cavada (PPE)	Protecting the diversity of cultural expressions in the context of transatlantic relations-the audiovisual sector.
2012	Marietje Schaake (ALDE), Doris Pack (PPE), Hannu Takkula (ALDE), Morten Løkkegaard (ALDE), Marco Scurria (PPE), Seán Kelly (PPE), Olga Sehnalová (S&D), Claudiu Ciprian Tănăsescu (S&D), Santiago Fisas Aixela (PPE), Zoltán Bagó (PPE), Bernd Posselt (PPE), Malika Benarab-Attou (Verts/ALE), Marie-Thérèse Sanchez-Schmid (PPE), Elisabeth Morin-Chartier (PPE), Hans-Peter Martin (NI), Marek Henryk Migalski (ECR).	Progress made on culture in the EU's external actions
2011	Kader Arif (S&D)	Treatment of audiovisual and cultural services in the Comprehensive Economic and Trade Agreement (CETA) with Canada.
2011	Petra Kammerevert (S&D)	EU-Canada free trade agreement negotiations focusing on cultural and audiovisual services; cultural aspects in the new generation of trade agreements.
2011	Helga Trüpel (Verts/ALE)	EU strategy for audiovisual and cultural cooperation with third countries in general and particularly in the new EU-Canada free trade agreement.
2011	David Martin (S&D)	EU-Cariforum EPA — Protocol on Cultural Cooperation.
2011	Marietje Schaake (ALDE) and Doris Pack (PPE)	Absence of European Parliament representative at cultural diplomacy meeting in Pécs.
2010	Konrad Szymański (ECR)	The consequences of Cultural Cooperation Protocols concluded with third countries as part of trade liberalisation agreements.
2010	Christine De Veyrac (PPE)	Protection and promotion of cultural diversity.
2010	Piotr Borys (PPE)	New rules on co-produced films contained in Cultural Cooperation Protocols.
2010	Wojciech Michał Olejniczak (S&D)	The significance of culture in the process of development, integration

		and cooperation.
2007	Ruth Hieronymi (PPE-DE)	Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
2007	Helga Trüpel (Verts/ALE)	Cultural relations between China and the EU.

ANNEX 2

Resolution on EU trade and investment negotiations with the US, 23 May 2013

Separate vote of the Paragraph 11: the EP considers it essential for the EU and its Member States to maintain the possibility of preserving and developing their cultural and audiovisual policies, and to do so in the context of their existing laws, standards and agreements; calls therefore, for the exclusion of cultural and audiovisual services, including those provided online, to be clearly stated in the negotiating mandate.

381 for

191 against

17 abstentions

	For	Against	Abstentions	Cohesion
ADLE	20	42	1	50
ECR	2	41	0	93.02
EFD	14	4	5	41.3
EPP	141	71	6	47.02
Greens/EFA	44	1	1	93.48
GUE/NGL	28	1	0	94.83
NI	19	4	2	64
S&D	113	27	2	69.37

	For	Against	Abstentions	Cohesion
Netherlands	13	9	1	34.78
Germany	33	36	0	26.06
United Kingdom	6	38	4	35.71
France	60	1	0	97.54
Italy	35	6	0	78.05
Spain	27	18	2	36.17
Denmark	2	11	0	76.92
Czech Republic	13	6	0	52.63
Sweden	7	9	0	34.38

Resolution on the Cultural dimensions of EU external actions, 12 May 2011

Separate vote of the Paragraph 9: The EP is concerned at the fragmentation of external EU cultural policy and projects, which is hampering the strategic and efficient use of cultural resources and the development of a visible common EU strategy of the cultural aspects of the EU's external relations.

	For	Against	Abstentions	Cohesion
ADLE	65	0	0	100
ECR	24	15	4	33.72
EFD	4	10	7	21.43
EPP	212	0	0	100
Greens/EFA	49	1	0	97
GUE/NGL	8	4	16	35.71
NI	8	15	2	40
S&D	155	0	0	100

	For	Against	Abstentions	Cohesion
Netherlands	15	6	1	52.27
Germany	76	0	3	94.3
United Kingdom	32	23	0	37.27
France	61	2	4	86.57
Italy	39	1	6	77.17
Spain	32	0	0	100
Denmark	11	1	0	58.33
Czech Republic	13	0	5	58.33
Austria	12	2	1	70.00