GLOSSARY

ARTICLE 151

With the Treaty of Maastricht, signed on 7 February 1992 and entered into force on 1 November 1993, the European Union (EU) added for the first time an article on culture to its legal structure. Until then, culture had not been recognised as a European competency. Article 151 (ex article 128) regulates cultural activities at European level and is the basis for initiatives such as the Culture programme.

The article asks the EU to support the cultures of its member states "*while respecting their national and regional diversity, and at the same time bringing their common cultural heritage to the fore*" (Clause 1). It reconciles the idea of a 'common cultural arena' that is built on a shared history and heritage with the intention to foster a 'European cultural identity' on the one hand, and the concept of its diversity that needs to be safeguarded on the other.

As concerns the scope for Community action, the main focus of the article lies on co-operation and exchange, notably on non-commercial cultural exchange, which is of particular importance in relation to the increasing dominance of the so-called "cultural industries" and other economic aspects of culture on the international level. But Clause 2 of the Article speaks only of the 'culture and history' (singular!) of the European peoples, and thus excludes many people living in Europe or cultural elements of non-European origin that have influenced or have intersected with the European cultural field. This restriction is only partly opened up in Clause 3, which encourages the cooperation with third countries and the relevant international cultural organisations, in particular the Council of Europe.

While cultural cooperation as a main objective represents a very limited field of activity, Clause 4, which stipulates that the European Commission must '*take cultural aspects into account in its action under other provisions of this Treaty*', implies a wide-ranging field of concerns. It marks the important recognition of the transversality of culture and establishes a formal relation between culture and other segments of European policy. It asks not only for a critical assessment of how culture could be impaired by decisions in other policy areas of the EU such as trade, employment, development, etc., but also allows cultural operators to claim a share from resources in these fields (e.g. Structural Funds). The 'mainstreaming of Culture' is a stated of objective of the new *European Agenda for Culture*, and the European Commission published in May 2007 an Inventory of Community actions in the field of culture accompanying its *Communication on Culture*. Implementation of this commitment to further main-stream culture in other relevant EU policies is still to be systematised.

Article 151 also stipulates in Clause 5 that every action concerning culture at EU level is subjected to the threefold requirement of the exclusion of harmonisation, the principle of subsidiarity and unanimity in decision-making. This last requirement will be modified by the Treaty of Lisbon signed by the Member States on the 13th of December 2007. This new treaty, in the process of ratification, extends qualified majority voting to 40 policy areas, including culture.

Article 151 (ex Article 128)

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

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

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following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples;

- conservation and safeguarding of cultural heritage of European significance;

- non-commercial cultural exchanges;

- artistic and literary creation, including in the audiovisual sector.

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

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

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

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

- acting unanimously on a proposal from the Commission, shall adopt recommendations.

CULTURAL IDENTITY

In the Treaty on the European Union (EU), the concept of identity appears in relation to the idea of a 'European Identity' (Preamble), which should contribute to a common sense of belonging of its citizens. At the same time we are reminded that the national identities of its Member States shall also be respected. Both the concepts of a European and a national identity are based on a variety of social, political and especially cultural practices and expressions, which are, in turn, derived from what is assumed to be shared experience, memory, tradition, etc. Identity is mostly conceived as stable, collective and coherent and often defined in opposition to what lies outside this assumed consent of a Community, be it the nation state or the EU.

A critical view on the concept, as developed in critical theory, suggests that cultural identity has always been constructed or invented along narratives, symbols and other forms of representation, building on underlying systems such as language, ethnicity, religion, heritage, history, etc. These mechanisms can be traced in the development and self-definition of nation states as much as in the project to create and foster a common 'European (cultural) identity' in order to gain cohesion in the political union.

Thus, identity is not a primordial category, but can always be traced in its construction process. It is to be seen as a concept in crisis, questionable in promoting essentialism and universalisation. This has also led to a critical revision of the so-called identity politics of minorities or discriminated groups from the late 1960s onwards (without disregarding their fight for political rights). Recent conceptions prefer to speak of 'hybrid', 'multiple' and 'fluid' identities, referring to migrant movements and the possibility to choose individually one's identity through affiliation with a social group or consumption and life style.

What is at stake in the debate on cultural identity with regard to Europe is a feared 'loss of identity' either through political harmonisation as in the case of EU policy or through global economic trade developments. The protection of cultural diversity is

invoked in order to prevent this 'loss of identity', an argument that underpins e.g. the doctrine of 'cultural exception'. The concept of cultural identity as employed in this context remains, however, largely unchallenged and favours fixity, coherence and binary opposition. It does not take account of the fundamental changes in contemporary societies, especially in the contexts of migration and information technology, where identity is under constant negotiation, challenged by processes of differentiation and individualisation.

EUROPEAN ADDED VALUE

European added value is a relatively undefined term, yet paramount in the formulation of the objectives and underlying ideas of (cultural) programmes initiated and supported by the EU. More concretely, it signifies what is generally understood as the 'European dimension' of a project or programme and points at its relevance for the EU, its institutions and policies. This means that a project's methodology, aims, effects, prospects and aspirations should apply not only to a specific local or regional context, but to the European arena as a whole.

Cultural cooperation is understood to contribute substantially to a European Added Value. Accordingly, it is one of the core criteria of preference in Culture programme', on the grounds of which a cultural project is allocated funding by the EU. The concept refers to practical aspects in the project design such as the participation of partners or the addressing of target groups of a wide scope from various parts of Europe. At the same time – and in connection with the important criteria of visibility – it is linked to the idea of the creation of a 'European cultural area' and of a 'European (cultural) identity'.

STRUCTURAL FUNDS

While Community programmes for culture are unable to meet the financial needs of the culture sector to develop and carry out transnational projects, culture has benefited considerably from other EU initiatives, in particular the Structural Funds. This amounts to over 80% of the Community's expenditure for culture.

For the period 2007-2013, regional policies received a budget of 348 milliards euros including 278 for the structural funds and 70 for the cohesion fund. Regional policies are the second most important budget line of the EU after the agricultural policy.

Regional policies pursue three objectives:
- convergence (European Regional development Fund, European Social Fund, Cohesion Fund);
- regional competitivity and employment (European Regional Development Fund, European Social Fund);
- territorial cooperation (European Regional development Fund).

Compared to the period 2000-2006, the EU cohesion policy has been simplified a lot. Community programmes such as Leader +, Urban, Equal and Interreg have been absorbed by the Funds which now pursue the programmes' objectives : Urban's and Leader's objectives were integrated in the ERDF, Equal's by the ESF and the objective of territorial cooperation integrates the Interreg's activities.

Funding for culture from the Structural Funds is mainly based on the recognition of the transversal quality of culture, that is that culture interrelates with a variety of other fields and almost every aspect of contemporary life and society, e.g. the cultural industries, media and new technologies, tourism and leisure, urban planning, regional development, education and training. It takes into account that the cultural sector generates employment and that it contributes to social cohesion, innovation, sustainable development and other common objectives in the EU. The otherwise rather limited le-

gal framework for culture at EU level provides the basis for making available funding sources other than from specific cultural programmes in Clause 4 of Article 151, which stipulates that "the Community shall take cultural aspects into account in its action under other provisions of the Treaty".

Since 1989 – hence already before the Treaty took effect in 1993 - a wide range of cultural projects were supported, mainly through ERDF and ESF, in the fields of museums, heritage, festivals, media, IT, education and training. Only in 1996, the European Commission started to consider the cultural dimension of its regional policies. As in other policy fields, the funding from the Structural Funds will play a crucial role with respect to culture in the new Member States of the EU after the enlargement.

Through the Structural Funds the cultural field has gained access to financial means that would never have been available within the framework of cultural programming. However, it should not be overlooked that these programmes are primarily an investment in the competitiveness of European industry, employment or development, but not in the cultural sector as such.

For more information on funding for culture through the EU regional policy:
- The European Culture portal: http://ec.europa.eu/culture/index_en.htm
- Euclid: http://structural.culture.info/
- Relais Culture Europe – section on culture and sustainable development (in French) : http://www.relais-culture-europe.eu/
- Stratcult project : http://www.strategyforculture.net/

SUBSIDIARITY PRINCIPLE

The principle of subsidiarity was established in European Union (EU) law by the Maastricht Treaty. It covers areas, which do not fall within the EU's exclusive competence. Article 5(2) declares that "the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of scale and effects of the proposed action, be better achieved by the Community". One of these policy areas is culture.

Hence, the Member States and the EU have shared competences in the field of culture. The Community can only intervene, if certain objectives set out for cannot be reached by the Member States and if it can guarantee greater efficiency. The EU has no mandate to lead or control policies in the cultural sector, but - as laid out in Article 151 - is only required to encourage cultural cooperation and exchange, and to supplement the actions of Member States "if necessary".

However, the Treaty lacks a clear division of competences between the Member States and the EU, and a constraint understanding of the principle have served for some all too well to avoid a serious debate about possible EU policies regarding culture. Together with the constant and severe under-funding of culture and the requirement for unanimity voting in the Council, those principles acted for the last 15 years as a brake on European cultural action.

Without limiting or infringing the division of competences as defined by the subsidiarity principle, it is still possible for the EU to play an active role in the cultural field as it has been recently demonstrated with the adoption of a European Agenda for Culture which shall open the way to more and better cultural actions at EU level.

SUSTAINABLE DEVELOPMENT

Sustainability has become one of the core issues of development. This means that investment in economic growth is pursued in ways that consider a long-term perspective and do not endanger the living standards, options and opportunities of future generations. Originally it focused mainly on environmental dangers but in the context of late capitalism encompassing all sectors of life and the economy, cultural development has also been brought into the issue.

Based on the argument that development efforts have hitherto largely neglected cultural aspects, it has been suggested that the cultural indicators for policy agendas such as sustainable development, quality of life or human rights have also to be considered. Among the indicators identified are cultural diversity, the dynamics and vitality of the cultural sector, or the opportunities for cultural access and participation, which should work as key criteria for 'cultural planning', an operational and analytical framework targeted at bringing cultural considerations into all processes of planning and development.

In 1991 UNESCO created the World Commission on Culture and Development. In its Report 'Our Creative Diversities' (1995), it devoted a separate chapter to the interdependency of culture and development. Similarly, the Council of Europe Declaration on Cultural Diversity (2001) states that "sustainable development as defined in relation to cultural diversity, assumes that technological and other developments, which occur to meet the needs of the present, will not compromise the ability of future generations to meet their needs with respect to the production, provision and exchange of culturally diverse services, products and practices".

Meanwhile, sustainability has already become a key criterion for funding in the EU (e.g. the Structural Funds). An area identified for action is cultural heritage. To avoid 'sustainability' being reduced to a hollow phrase or to an argument promoting mainly preservation and conservation would mean looking at heritage as an ongoing capacity:

heritage – tangible and intangible – should be continual and enriched by what is currently being produced or happening in the cultural field. Heritage requires not only protection, but development.

TRANSVERSALITY

Taken from the theoretical frameworks of Gilles Deleuze/Félix Guattari and Michel Foucault, transversality describes the crossing of borders in a geographical and political sense as well as the boundaries of distinct fields or disciplines. With respect to its transversality the cultural field can be taken as exemplary when it comes to developing new realities and concepts in the time of EU enlargement and current economic and social developments.

Firstly, transversality as a concept leaves the national discourse behind. Multilateral transnational collaboration breaks the logic of bilateral cooperation and exchange, which still tends to dominate cultural action. It creates new structures of collaboration beyond existing links or hierarchies. Programming for culture in support of such new transnational networking practices, has to take into account that they are often much more complex, risky and expensive and thus require appropriate financial and administrative support.

Secondly, other than the notion of 'interdisciplinarity' that has become commonplace in the cultural field, transversality refers to transsectorial activities beyond a mere cooperation and combination of different disciplines in the arts, say theatre and the visual arts. Instead, new cooperation and networking practices between different fields such as education, politics, science and the cultural field that are normally kept separate are

developed. At their interfaces they enable the opening up of new spaces of knowledge and practices.

Talking about the transversality of culture by no means implies focusing on the instrumental function that the cultural sector may have in various other fields, but explores the new aspects and practices, which are negotiated and produced by transgressing disciplinary borders. The transversal quality of the cultural field, as addressed in Clause 4 of Article 151, or as acknowledged in funding for culture from the Structural Funds should not be mistaken as a possibility for an instrumentalisation or mere justification of culture in these various contexts. Instead, the new forms of transversal organisation and networking, can function as models for other fields. Cultural policies mean dealing with a wider, transversal conception of culture.

Challenging limiting, one-dimensional or particularizing concepts, transversal practices do not represent particular, isolated (sub)cultures, but instead traverse many different situations within a patchwork of minorities. A multitude of transversal structures, the manifold forms of cultural initiatives, networks and organisations in Europe need to be supported, so that they do not yield to the pressures of homogenisation and particularization.

THE OPEN METHOD OF COORDINATION

The Open Method of Coordination (OMC) is becoming increasingly important as a new mode of governance in the European Union (EU). The European Agenda for Culture introduced its use in the cultural field.

Historically, the OMC can be seen as a reaction to the EU's economic integration process of the 1990s. It was founded on the idea that a new cooperation framework had to be developed in the social realm as the community method cannot be used due to the principle of subsidiarity.

But if the OMC already appeared in the 1990s it was however only officially named, defined and endorsed at the Lisbon Council (2001) for the realm of social policy. The Lisbon Council coined the term and extended its application to several other policy areas, most notably social protection but also education and training. Since the Göteborg European Council (2001), it had also been applied in the area of immigration and asylum – sector not directly related to the Lisbon process.

The OMC rests on a voluntary association of states, on soft law mechanisms such as guidelines and indicators, benchmarking and sharing of best practice. The method's effectiveness therefore relies on a form of peer pressure and naming and shaming.

Generally, the OMC works in stages. First, the Council of Ministers agrees on (often very broad) policy goals. Member states then transpose guidelines into national and regional policies. Thirdly, specific benchmarks and indicators to measure best practice are agreed upon. Finally, results are monitored and evaluated. However, the OMC differs significantly across the various policy areas to which it has been applied: there may be shorter or longer reporting periods, guidelines may be set at EU or Member State level and enforcement mechanisms may be harder or softer.

The OMC is more intergovernmental in nature than the traditional means in EU policy-making, the so-called community method. Because it is a decentralised approach through which agreed policies are largely implemented by the Member States and supervised by the Council of European Union, the involvement of the European Parliament and the European Court of Justice is very weak indeed.

Although, the OMC was devised as a tool in policy areas which remains the responsibility of national governments (and were the EU itself has no, or few legislatives pow-

ers) it is sometimes seen as a way for the Commission to "get a foot in the door" of a national policy area. To some extent, the OMC also provides the possible involvement of other actors that can contribute to realize a less virtual democracy than the representative one, in dialogue with civil society organisations.

Many factors can determine success or failure of an OMC, mainly:
- rapid and broad diffusion of the information related to the implementation of national policies
- ways permitting to ensure constraints in the OMC application, when it is necessary
- the possibility to associate different actors in the regulation process such as civil society organisations

The OMC, as defined by the Lisbon European Council, involves the following elements:
- fixing guidelines with specific timetables for achieving the goals which they set in the short, medium and long terms
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks, tailored to the needs of the different Member States and sectors as means of comparing best practice
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences
- periodic monitoring, evaluation and peer review organized as mutual learning processes

The above list provides an illustration of the most complete form of the method. It has to be noticed, however, that OMC processes vary considerably across policy areas.