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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.<sup>100</sup> 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).<sup>101</sup> 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.<sup>102</sup> 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').

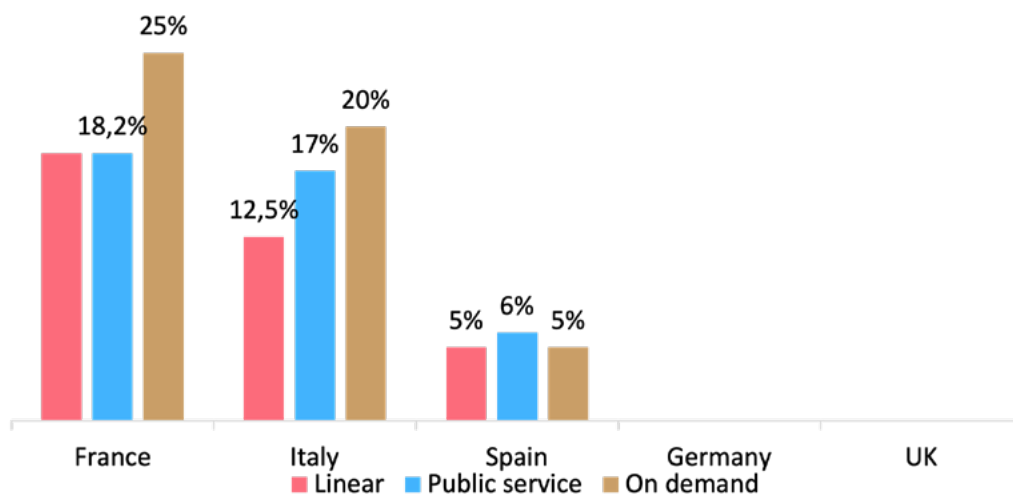
Conversely, most EU Member States have very minimal obligations in this regard. The UK and Germany have no such obligation at all. Germany has a blanket tax on film revenues, of 1.8 per cent for non-linear services up to €20 million in turnover and 2.5 per cent over €20 million. Spain, meanwhile, allows 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.

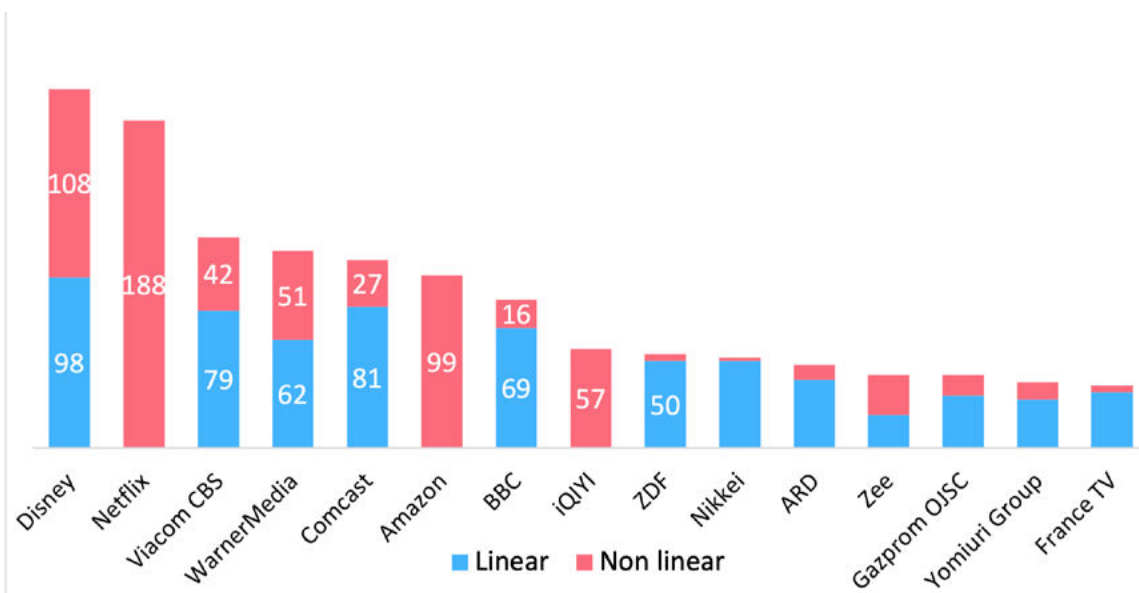
## The evolution of audio-visual production in Europe

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.<sup>103</sup>

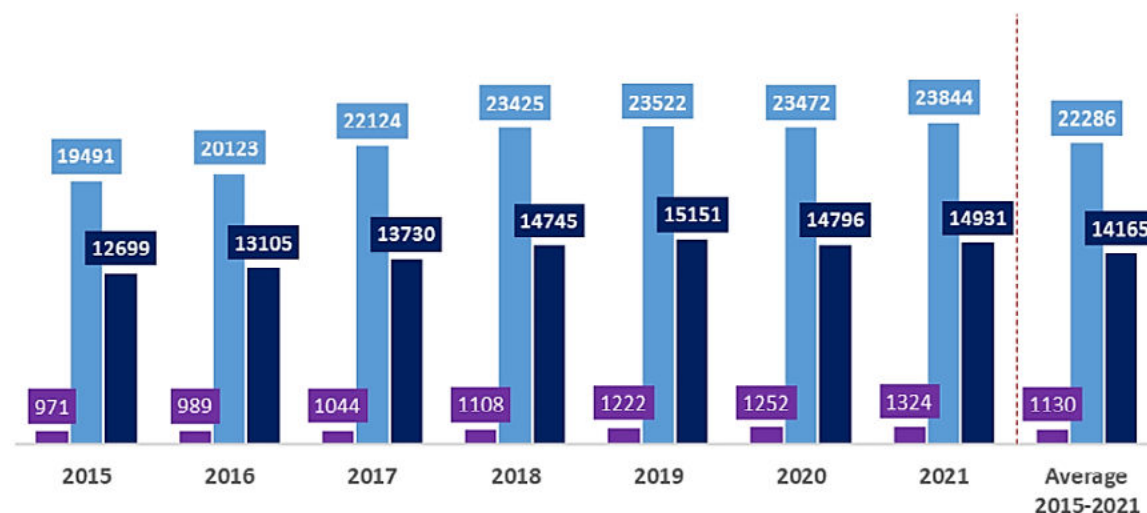
**Table 2** Major European producers (production/year)

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.

***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.***

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

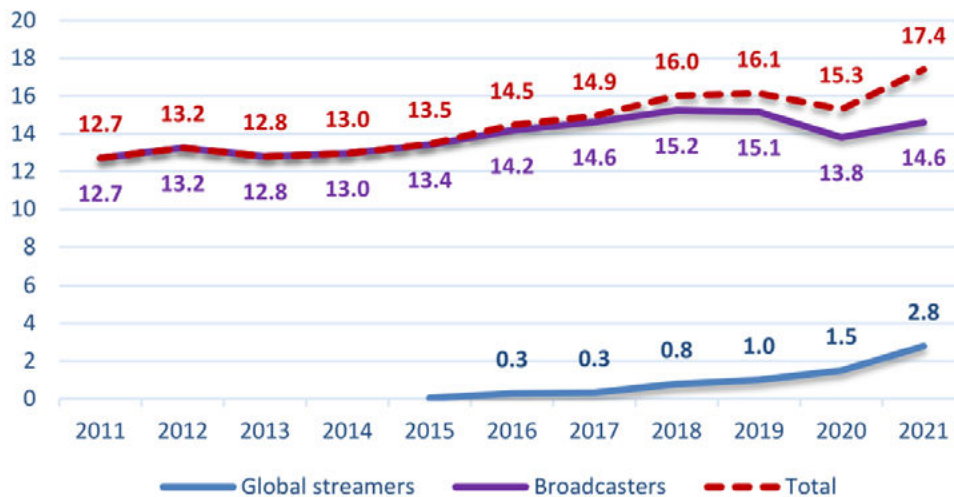
What is the bottom line if we compare local Member States' investment obligations and the status of European audio-visual production? Table 5 shows that there is no direct relationship between the level



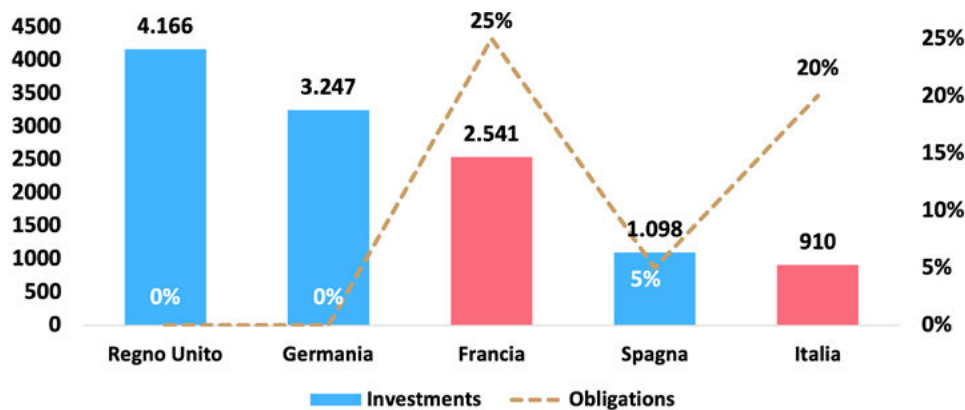


**Table 4** Investments in European original content, € billion

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,<sup>104</sup> 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,<sup>105</sup> 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.

## *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.*

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.<sup>7</sup>

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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