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Update on European issues relating to culture, arts and leisure

1 Background

The promotion of culture, arts and sport at European level is a relatively recent responsibility for the European Union. Culture became a formal policy area in 1993 after the signing of the Maastricht Treaty, and has subsequently benefitted from various programmes aimed at fostering cultural cooperation between European countries¹.

The Lisbon Treaty (2010) requires the Union to take culture into account (article 167, paragraph 4) in all its actions so as to foster intercultural respect and promote diversity. The treaty has also given the European Union a 'soft competence' on sport (article 165), and the first European Commission Communication on sport was issued in January 2011.

Currently, the Department for Culture, Arts and Leisure has an existing relationship with the EU in that some of its policies fall under the remit of European Union directives. Furthermore, some of the projects under the control of its arms length

¹ Assembly Research and Library Service paper. 25.2.10. 'European engagement: Culture, arts and leisure'. NIAR 17.

bodies are partially funded by the EU. Such areas/projects include: regional/minority languages, maritime affairs/fisheries policy, the Arts Council of Northern Ireland, National Museums Northern Ireland, and the Armagh Planetarium².

The following is an update on recent developments affecting or relating to the areas of culture, arts and leisure.

2 Culture and heritage

The European Commission is guided in its culture and heritage actions through the *European Agenda for Culture*, agreed in 2007. This sets out three main objectives: cultural diversity and intercultural dialogue; culture as a catalyst for creativity; and culture as a key component in international relations³.

Recent activity in the area of culture has included:

- **Consultation on the Culture Programme:** Consultation on a new programme, to run from 2014 onwards, was closed on 15 December 2010. Arts Council Northern Ireland submitted a consultation response. The Commission intends to adopt a draft decision about the new Culture Programme by the European Parliament and Council during the second semester of 2011⁴.
- **European Heritage Label:** Debate is currently taking place in the European Parliament and the Council of Ministers about a 'European Heritage Label'. The label will be voluntary, and will be used to signify sites that symbolise values such as democracy, freedom or diversity. The European Heritage Label already exists as a voluntary inter-governmental initiative, and the designation has been awarded to 64 sites since 2006. Countries can nominate sites, with a decision made by a panel of historians and experts. However, in November 2008, the European Council requested that this initiative be transformed into a Community action in order to extend it and improve its functioning. In October 2010, the European Heritage Label was approved by the European Parliament's Culture Committee, and the Parliament and Council are currently debating the issue further. The Commission has proposed that a draft decision be made on the issue in March 2011.
- **Future of digital cinema:** In October 2010, the Commission issued a Communication highlighting the potential role of the European Union in promoting and furthering a diverse cinematic industry across Europe. The Communication was issued following discussion by a group of cinema experts and a public consultation on 'Opportunities and challenges for European cinema in the digital era'. It acknowledges the risks and difficulties for European cinemas in switching over to digital projection facilities, but outlines some of the advantages and opportunities in

² DCAL. 17.1.11. 'Appendix C: Information on how the Department and its arms-length bodies engage with the EU'. Communication sent to the Committee for Culture, Arts and Leisure.

³ European Commission: Culture. 2007. *European Agenda for Culture*. COM(2007) 242: pp7-8

⁴ Assembly Research and Library Service paper. 6.12.10. 'European Culture Programme: Background paper on 2010 consultation exercise'. NIAR 595-10.

doing so. The Communication then outlines a number of steps to be taken by the Commission in order to address the challenges in this area, including the preparation of a progress report on the take-up of digital projection across Europe, the launch of a study on the costs of digital equipment, the creation of a new 'MEDIA' support scheme for the digitisation of cinemas screening a significant percentage of European (non-national) films. The Communication also highlights the fact that under the new Europe 2020 strategy for smart, sustainable and inclusive growth, the 'Digital Agenda for Europe' aims to create a 'digital single market', so that commercial and cultural content and services can 'flow across borders and European citizens can fully enjoy the benefits of the digital era'.

- **MEDIA Production Guarantee Fund**⁵: The European Commission has launched a loan guarantee fund aimed at making it easier for film producers to gain access to bank financing. The €8 million fund will be run by the Commission in tandem with two operators, the French Institute for the Financing of Cinema and Cultural Industries and Spain's Guarantee Society for the Audiovisual Sector. The MEDIA Production Guarantee Fund will run until the end of 2013. The Commission estimates that, thanks to the leveraging effect of the fund, more than €100 million will be freed up for loans to film producers, many of whom are small or medium sized businesses. The maximum funding available from the MEDIA Production Guarantee Fund is €8 million.

3 Sport

The EU has recently taken a greater interest in sport promotion and development. The Lisbon Treaty provides the European Union with a 'soft competence' on sport for the first time, stating that the Union 'shall contribute to the promotion of European sporting issues'. More particularly, Article 165 of the Treaty of Lisbon states that EU action will be targeted towards:

*...developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.*⁶

The treaty allows the EU to propose incentive measures and recommendations, but excludes the harmonisation of laws and regulations of Member States⁷.

A European Commission *White Paper on Sport* was published in 2007. This focused on potential EU measures to enhance the social role of sport, its economic value, and

⁵<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/23&format=HTML&aged=0&language=EN&guiLanguage=en>

⁶ European Union. 2010. *Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union. Charter of Fundamental Rights of the European Union.* (Also referred to as the Treaty of Lisbon): p121.

⁷ Department for Culture, Media and Sport. 2010. 'European and international sport': http://www.culture.gov.uk/what_we_do/sport/3463.aspx Accessed 21.12.10.

the organisation and governance of sport across Europe⁸. The White Paper was accompanied by the 'Pierre de Coubertin Action Plan', which contains 53 measures 'to guide the Commission in its sport-related activities during the coming years while fully taking into account and respecting the principle of subsidiarity and the autonomy of sport organisations'⁹. Among other measures, the Action Plan contains a specification to set up a European Sport Forum, measures to enhance public health through sport, preventing racism and violence, developing a method to measure the economic value of sport, and exploiting opportunities for social cohesion through sport¹⁰.

These various measures are being discussed, followed up and enhanced at present. On 18 November 2010, a set of papers were issued by the Council of Ministers, containing a resolution and two sets of conclusions in the field of sport. A summary of these is as follows:

- **EU structured dialogue on sport:** The Council adopted a resolution establishing 'a high-level structured dialogue with sport stakeholders', to take the form of a regular informal meeting of leading representatives of the EU and sporting bodies. The first such meeting was scheduled for early December 2010.
- **Role of the EU in 'the international fight against doping':** The Council adopted conclusions on the role of the EU in the fight against doping, including a recognition of the need to coordinate EU and member state positions on the free movement of athletes and the protection of privacy and personal data.
- **Sport and social inclusion:** The Council adopted conclusions on the role of sport as a source of, and a driver for, active social inclusion. The conclusions identify three common priorities for promoting social inclusion through sport: the accessibility of sport activity for all citizens, better use of the potential of sport as a contribution to community building, social cohesion and growth, and transnational exchanges of strategies and methodologies¹¹.

Following on from this, the European Commission's first ever 'Communication' on sport was adopted on 18 January 2011. This forms the fundamental basis for the policies that can be made at European level in the field of sport, following the new competency in sport provided by the Lisbon Treaty. In particular, the communication sets out the EU's first-ever sports programme, a limited version of which the European Commission hopes to launch in 2012 ahead of the first set of policies in 2014. The programme includes a number of actions to be carried out by the Commission, including the following:

⁸ European Commission: Sport. 2007. *White Paper on Sport*.

⁹ European Commission: Sport. 2007. *White Paper on Sport*:p2.

¹⁰ European Commission: Sport. 11.7.10. *Action Plan 'Pierre de Coubertin'*: http://ec.europa.eu/sport/white-paper/doc/sec934_en.pdf Accessed 21.12.10.

¹¹ http://ec.europa.eu/sport/news/news971_en.htm

Societal role of sport:

- Consider EU accession to the Anti-Doping Convention of the Council of Europe
- Develop European guidelines on combined sports training and general education
- Develop and implement security arrangements and safety requirements for international sports events
- Continue progress toward national guidelines based on the EU Physical Activity Guidelines
- Develop standards for accessibility of sport organisations, activities, events and venues through the European Disability Strategy
- Promote women's access to leadership positions in sport.

Economic dimension of sport:

- Sports associations to establish mechanisms for the collective selling of media rights to ensure adequate redistribution of revenues
- More focus on sport-related intellectual property rights
- Exchange of good practices for transparent and sustainable financing of sport
- Monitoring of the application of state aid law in the field of sport
- Full exploitation of sport-related aspects of the Structural Funds
- Work towards comparable statistical data on sport for all Member States.

Organisation of sport:

- Promote good governance in sport while taking into account its specific nature
- Launch a study on transfer rules and provide guidance on that basis
- Issue guidance on how to reconcile EU rules on the free movement of citizens with the organisation of competitions in individual sports on a national basis
- Consider further action regarding the activities of sports agents
- Support social partners and sport organisations to create an EU-level social dialogue for the sports and leisure sector.

Details are also provided of 12 pilot projects selected for funding in 2010 to 'prevent doping in amateur sport and fitness, promote social inclusion, and foster volunteering in sport'.

However, there are concerns as to whether the Commission will have sufficient funding for the full implementation of the new policy after the proposed uplift to the EU budget for 2011 was reduced to 2.91%. Gregory Paulger, director of the Directorate-General for Education and Culture at the European Commission, has stated that,

*Article 165 gives us a legal basis but it doesn't give us a budget. Unfortunately the treaty came into force at exactly the wrong time and there's no money available at all.*¹²

The communication will now be sent to the Council and European Parliament for discussion and follow-up in the Member States.

4 Fisheries

European competence and funding in this area is largely covered by an EU Aquaculture Strategy which commenced in 2009. This sets out steps to promote the growth of aquaculture (which has shown lower levels of growth than other parts of the world)¹³, and measures to ensure its environmental sustainability, safety and quality¹⁴.

The focus of EU policy and funding in this area is geared towards fish farms. Although DCAL has two fish farms for the purposes of research and development of fish stocks (at Movanagher and Bushmills), the main thrust of the Aquaculture Strategy is on commercial fish farms. However, the strategy has a further relevance for DCAL responsibilities in terms of the management of eels, particularly within Lough Neagh. A European Eel Regulation was made in 2007 which contained various measures, one of which was the creation of an Eel Management Plan by each of EU Member State. Such a plan has been created by DCAL and was formally introduced in June 2010. There have been no significant developments in European eel policy since that plan was introduced.

There are three other items of European legislation affecting inland fisheries: the Nitrates Directive, the Water Framework Directive and the Habitats Directive. Work to comply with the Nitrates Directive is overseen by the Department of the Environment (DoE). Although no significant amendments or developments have occurred with regard to this at European level, a Nitrates Action Plan for Northern Ireland was released for consultation in June 2010 by DoE.

The local implementation of the Water Framework Directive and Habitats Directive are also overseen by DoE. No significant changes or developments have occurred in regard to these recently.

¹² EurActiv.com. 18.1.11. Statement by Gregory Paulger, director of the Directorate-General for Education and Culture at the European Commission: <http://nia1.me/4g> Accessed 18.1.11.

¹³ European Commission: Fisheries. 'Questions and answers: New impetus for the sustainable development of EU aquaculture': <http://nia1.me/28> Accessed 20.12.10.

¹⁴ European Commission: Fisheries. *Communication from the Commission to the European Parliament and the Council. Building a Sustainable Future for Aquaculture: A New Impetus for the Strategy for the Sustainable Development of European Aquaculture* [SEC(2009) 453] [SEC(2009) 454]: COM/2009/0162.

5 Broadband infrastructure

Although media issues are generally not devolved, being dealt with at a UK level by the Department for Culture, Media and Sport, and more specifically broadband infrastructure issues are dealt with domestically by the Department of Enterprise, Trade and Industry, the following information may be of general interest in that developments will affect culture, arts and leisure activities in Northern Ireland.

On 20 September 2010, the European Commission issued a Communication on *European Broadband: Investing in Digitally Driven Growth*¹⁵. Accompanying the Communication, the EU Digital Agenda Commissioner, Neelie Kroes, outlined a number of measures aimed at increasing the provision of high-speed Internet across Europe. These involve two actions: expanding the network of fibre optic cables, and opening the digital spectrum to enable greater use of wireless provision in remote areas. The 800 MHz band is being freed up as the switchover to digital TV occurs, thereby enabling use as a wireless frequency.

As a result of the *European Broadband* Communication, the European Commission has committed itself to various actions, some of which appear to include the provision of funds for the expansion of high-speed broadband. The Commission has proposed:

- In 2011: making a proposal, in cooperation with the EIB, for broadband financing; issuing guidance for local and regional authorities on the use of EU funds for broadband project design and preparation; and adopting investment guidelines on broadband for local and regional authorities to facilitate full absorption of EU funds.
- By 2012: completing a review of cost reduction practices.
- By end 2013: reinforcing and rationalising the use of funding of high-speed broadband through EU instruments under the current financial framework (e.g. ERDF, ERDP, EAFRD, TEN, CIP).

The Commission uses the Communication to call directly on Member States to carry out the following actions:

- Implement rapidly the NGA Recommendation and anticipate key aspects of the European Radio Spectrum Policy Programme
- Set national broadband targets and adopt operational plans that are in line with the European broadband target; the Commission will review the national plans in 2011
- Take national actions to reduce broadband investment costs.

A deadline of 1 January 2013 has been set for the switchover of the 800 MHz frequency and the opening up of a larger wireless network, but the plan faces some opposition from broadcasting groups who claim that imposing regulation on operators

¹⁵ European Commission: Information Society. 20.9.10. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee for the Regions: European Broadband: Investing in Digitally Driven Growth*. Brussels, COM(2010) 472 .

is not the way to expand and improve the broadband network¹⁶. Furthermore, there are currently fierce debates about how EU funding for fibre optic cabling should be distributed. €1.8 billion of EU funds for broadband development were deployed in 2010, with the hope that this would in turn generate up to €3.5 billion of investments in the sector¹⁷. Disagreements exist as to whether the large, incumbent companies in each of the Member States should be awarded contracts for fibre optic roll-out, or whether new, smaller operations should be given funding to help boost competition¹⁸. The Commissioner is currently drafting recommendations on telecoms pricing methodologies, but these are likely to be contentious.

¹⁶ European Telecommunications Network Operators' Association. 20.9.10. 'Adoption of Radio Spectrum Policy Programme, broadband communication and NGA recommendation': <http://nia1.me/4d> accessed on 20.1.11.

¹⁷ European Commission. 20.1.11. 'Press release: State aid: Commission approves record amount of state aid for the deployment of broadband networks in 2010': <http://nia1.me/4h> Accessed 21.1.11.

¹⁸ EurActiv.com. 21.1.11. 'EU broadband state aid hits record high': <http://nia1.me/4e> Accessed 21.1.11.