The European Union and the Culture Industries
Regulation and the Public Interest

Edited by
David Ward
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Monica Ariño is a Policy Advisor for Ofcom’s international team. She graduated in law at the Autonoma University (Madrid) and in 2005 obtained a PhD from the European University Institute (Florence). Monica has specialized in communications regulation, competition law and convergence policies, with a focus on the audiovisual sector. She is particularly interested in how regulators are responding to regulatory challenges associated with new media platforms such as the Internet and mobile technologies. She has published widely and has been a visiting scholar at the Universities of Oxford and Columbia (New York). Prior to joining Ofcom, Monica was a lecturer at Central European University (Budapest).

Maurizio Borghi holds degrees in social sciences and in philosophy as well as a PhD in economic history. He is a Research Fellow at Bocconi University of Milan, where he teaches intellectual property law and philosophy. Maurizio has been a visiting scholar at the Center for the Study of Law and Society, University of California, Berkeley and has published a book on the history of copyright and the book trade in Italy and articles on intellectual property, access to knowledge and legal theory.

Oliver Carsten Füg is a Research Fellow and PhD candidate at the Centre for Regulatory Governance in the Department of Politics at the University of Exeter. He holds degrees in political science and European studies from the Universities of Copenhagen and Bonn and specializes in communications law and policy of the European Union. His main interests are in content regulation and media concentration in the context of convergence and the relationship between competition law and sector-specific regulation in the audiovisual industry. He has been involved in media and telecommunications related studies and consulting projects for the European Commission, the European Parliament, the Commissariaat voor de Media (together with David Ward) and several industry actors.

Alison Harcourt is Senior Lecturer in Politics at the University of Exeter. Before joining the University of Exeter in 2004, she held research positions at the European University Institute, University of Oxford, the University of Manchester and the University of Warwick, and was Visiting Fellow at the Max Planck Institute for Common Goods in Bonn. She holds a PhD from the University of Manchester, Department of Government. Alison has acted as media expert for the European institutions and national governments. She has published widely on the subject of European Union media policy including her recent book *European Union Institutions and the Regulation of Media Markets* (2006, Manchester: Manchester University Press).
Anna Herold holds a PhD from the Law Department of the European University Institute in Florence. She is currently a policy officer at the European Commission (Directorate General for Information Society and Media, Audiovisual and Media Policies Unit), where she is dealing with the implementation and development of European Union audiovisual policy. She worked previously as a case-handler in the Directorate General for Competition in the media anti-trust division. She has published on issues relating to European Union audiovisual law and policy, competition and WTO law and their impact on cultural diversity.

Beata Klimkiewicz is Assistant Professor at the Institute of Journalism and Social Communication, the Jagiellonian University, Cracow, Poland. She received her PhD from the Institute of Political Sciences, Jagiellonian University and studied at the Oxford University and the Columbia University. Since 2000, she has been a member of the Advisory Panel of Experts on Freedom of Religion and Belief for OSCE. She has co-operated with Open Society Institute in Budapest, Media Diversity Institute in London, Peace Institute in Ljubljana and provided an expertise for the European Parliament and Council of Europe. Since 2006, she has been a member of the Steering Committee of COST Action A30 East of West: Setting a New Central and Eastern European Media Research Agenda. Recent research interests include media pluralism and diversity, media policy in Europe, media reform in Central Europe, media representations of minorities and minority media.

Carles Llorens is a Lecturer on Media Policy and Economics at the Communications Faculty at Autonomous University of Barcelona. He was an academic visitor at the Centre for Socio-Legal Studies and PCMLP (University of Oxford) from March 2006 to January 2007. He obtained a PhD in audiovisual communications at the Autonomous University of Barcelona in 2001. He won a Marie Curie Fellowship from the European Union’s 4th Framework Programme for Research and Development. He was assigned as a pre-doctoral researcher to CRID (Centre de Recherches Informatique et Droit), University of Namur (Belgium) from 1996 to 1998, where his research topic was media and telecommunications regulatory convergence. His current interests include a focus on European media policy, and competition media policy and public service television in particular.

Tarlach McGonagle holds an LLM degree in International Human Rights Law (University of Essex, 2001). He joined the Institute for Information Law (IViR) of the University of Amsterdam in 2001 and has worked there since in editorial and research capacities. He is currently completing his PhD thesis on the interface between freedom of expression and minority rights under international law. He regularly advises and provides reports for the Council of Europe and was one of the independent experts involved in the drafting – at the invitation of the OSCE High Commissioner on National Minorities – of a set of international Guidelines on the use of Minority Languages in the Broadcast Media (2003). He has published widely on international media law, freedom of expression and minority rights and is a regular contributor to publications issued by the European Audiovisual Observatory in Strasbourg, including on such topics as political debate and the media; co-regulation
of the media; jurisdiction over broadcasters; existing regulatory frameworks and the new media.

**Maria Lillà Montagnani** holds a degree in Law and PhD in Competition Law and is Assistant Professor for Commercial Law at Bocconi University of Milan, where she teaches intellectual property law and marketing and the law. Her recent research focuses on the intersection between intellectual property law and competition law in the digital environment and the software market, subjects on which she has published articles in Italian and European reviews.

**Rostam J. Neuwirth** is Assistant Professor at the Faculty of Law of the University of Macau. Previously he was a visiting Professor at the West Bengal National University of Juridical Sciences in Kolkata (India) and a former Professor at Hidayatullah National Law University in Raipur (India) where he taught European Union Law and the Law of the World Trade Organization (WTO). Rostam has also worked for the International Law Bureau/Dept. I.4 (European Law) of the Federal Ministry for Foreign Affairs in Austria. Following his studies in Austria and France, Rostam gained an LLM from the Institute of Comparative Law at McGill University and a PhD in Law from the European University Institute in Florence. He has published a number of monographs and articles in international journals on various aspects related to the issue of trade and culture focusing particularly on NAFTA, WTO and the European Union's approach to the culture industries.

**Seamus Simpson** is a Principal Lecturer at the Department of Information and Communications, Faculty of Humanities, Law and Social Science, Manchester Metropolitan University, UK. His research interests lie in European and global communications policy and regulation, areas in which he has published widely. He is author of two books: *Globalisation, Convergence and European Telecommunications Regulation* (2005, Edward Elgar) (with Peter Humphreys, University of Manchester) and *The New Electronic Marketplace: European Governance Strategies in a Globalising Economy* (2007, Edward Elgar) (with George Christou, University of Warwick).

**David Ward** has a wide range of interests in media policy, law and development and has been an advisor on a range of media issues for numerous government and non-governmental organizations. David has published three books on various aspects of communications policy (2002, 2004 and 2007) and most recently completed an edited book entitled *Television and Public Policy: Change and Continuity in an Era of Global Liberalization* (Lawrence Erlbaum, 2007).

**Lorna Woods** is Professor of Law at the School of Law, City University. Her research is focused in two main areas: the law of the European Union, especially the internal market; and broadcasting regulation, particularly at the European level – that is, both European Union and Council of Europe. These areas are linked, as much of the EC broadcasting law is based on the rules relating to provision of services; there are clear parallels between the two European systems as regards broadcasting, as
well as the impact of human rights considerations in this area. She has published in leading interdisciplinary journals and those relating to communications as well as law journals in these fields such as Entertainment Law Review, as well as in highly respected, peer reviewed academic publications (International and Comparative Law Quarterly; British Year Book of International Law). She has also published a number of books including *EU Law* (9th Ed) (2006, Oxford University Press) (with Jo Steiner, Christian Twigg-Flesner); *Free Movement of Goods & Services within the European Community* (Ashgate European Business Law Series) and *European Broadcasting Law and Policy* (2006, Cambridge University Press).
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The evolution of the European Union (EU) as both an economic and political project aiming to combine the resources of a group of nation states has had some profound consequences on certain aspects of the legal and regulatory systems of its member states. Important industrial and social regulatory issues that represent core functions of the traditional nation state have to a degree been transferred to combine the political, economic and social resources of a group of nation states to provide for a coherent regional bloc that is seen to generally bring about greater benefits for business, consumers and citizens. Today the EU’s mandate covers a huge array of areas including important aspects of the culture industries that is the focus of this volume. The growth of the EU’s mandate into new areas such as the audiovisual sector has not been unproblematic, as historically these industries have been the sole regulatory responsibility of the member states. Aligning the audiovisual and telecommunications industries to the principles of the common market, given the inherent contradictions in the culture industries and their role in cultural, social and economic spheres of life, has not been without its difficulties. Nevertheless the growth of regulatory mechanisms at the EU level and the nature of these instruments have, to some extent, brought about a partial re-configuration of regulatory parameters and the distribution of regulatory responsibilities as member states comply with the obligations established in the EC Treaty and the principles of the internal market framework and the European Commission (EC), as the guardian of the Treaty, seeks to ensure compliance across a range of industries to its principles and rules.

The culture industries are also an important reference point for gauging broader policy initiatives of the EU and assessing the success or failure of the policy instruments that have been developed by the European institutions and is a key litmus test for EU policy as the communications sector represents one of the most challenging policy domains that the EU has entered. Not only are the audiovisual and telecommunications industries undergoing significant changes in a dynamic sector brought about by innovation in technical delivery capacity, but also the culture industry is an area that has been central to a range of debate about national cultures and the impact of the growth of the EU on the sovereignty of the member states. This is especially so concerning the liberalization of the television and telecommunications industries over the last 20 years that has seen significant structural changes in both sectors. The EU is seen as a central agent of change in these developments and its influence on the regulatory structures of the communications sectors has been much debated, but rarely put in context of the full range of activities that today the institutions of the EU policy framework covers.

These legal and regulatory instruments that have developed at an EU level have been shaped by a range of factors which leads to a complex process of policy