Part A

The Community’s Cultural Competences
**Introduction**

The launch of the European project in the 1950’s, driven by the desire of the founding States to create a unified political and economic space, was not intended to lead to cultural unification. Whereas the pursuit of goals relating to economic integration and political unification required the transfer of domestic powers to the newly born European Communities, national cultural spheres were to remain strictly unaffected.

To that end, the original Treaty of Rome establishing the European Economic Community (EEC) did not shape a Community cultural policy, nor did it empower Community institutions to take action in cultural matters. The only provisions touching upon cultural affairs, namely Article 36 EEC (now Article 30 EC), which allows Member States to restrict imports and exports with a view to protecting ‘national treasures possessing artistic, historic or archaeological value’, and Article 131 EEC (now Article 182 EC), relating to Community association with third countries, designed to assist *inter alia* their ‘cultural development’, were not aimed at extending Community competences in the cultural field.

The absence of an explicit cultural competence attributed to the Community did not prevent European institutions from being confronted with cultural issues from a very early stage. Community cultural action gained early support in institutional circles as an integrative mechanism that ought to increase the Community’s popular appeal. In addition, efforts to attain one of the fundamental goals of the European experiment, namely the creation of a common market where goods, services, persons and capital could circulate unhindered, prompted initiatives in the cultural domain.

Early Community intervention in cultural affairs resulted in blurring the original distinction between the economic and cultural spheres. Fears about the erosion of national cultural powers started to emerge, the Community being suspected of pursuing objectives tending to cultural homogenisation. The signing of the Treaty of Maastricht, establishing the European Community (EC) restored balance through a clearly-delineated division of roles. Community competences acquired a cultural component but the inclusion of culture in the EC Treaty took place in a way that underlines the subsidiary nature of EC cultural activity, leaving the design and implementation of cultural policies in principle to the Member States.

The emphasis placed on cultural protection coincided with an overall change in the Community’s objectives and tasks. The Treaty of Maastricht, far from simply extending Community powers into new areas of activity, brought about a qualitative shift in European integration. Following their express recognition in the EC Treaty, citizenship and human rights turned into the catchwords