Chapter Eight

Concluding Remarks

The attribution, to the Community, of an implicit cultural competence, alongside the complementary powers enjoyed in the cultural field, has been a direct consequence of the transversal nature of culture: interacting with various areas of Community action, culture was found to necessitate additional protection. Article 151(4) EC, by requiring the European institutions to take into account the cultural repercussions of their activities, provides additional safeguards for the preservation and promotion of Member States’ cultural diversity, the goal that drives EC cultural policy properly speaking. At the same time, formally, it allows for broader EC cultural action outside the procedural limits of Article 151 EC, since the European institutions are empowered, though not obliged, to make cultural policy choices under other EC policy headings.

The protective and expanding functions of Article 151(4) EC, materialised through the pursuance of cultural policy goals in the context of other Community policies, are substantially weakened by the provision’s overly delicate wording, which does not create a clear legal obligation for compliance throughout the entire sphere of Community activity. Article 151(4) EC does not bound the Community to integrate cultural policy objectives in its initiatives, does not prescribe a high level of cultural protection, and does not call for precedence to be given to cultural concerns. It simply entrusts the European institutions with the task of balancing the different policy interests at play, the final outcome of the assessment made depending on the factual circumstances of each case.

The margin of discretion left to the European institutions has resulted in limited and rather dispersed cultural mainstreaming efforts. The current analysis suggests the conclusion that Article 151(4) EC is of little practical relevance to EC policy-making. It has not succeeded in giving greater resonance to the cultural implications of the European integration process; but beyond this, it has also failed to forge positive regulatory links between the various EC policies and the EC cultural policy properly speaking. Re-framing the Community’s procedural and institutional structures to favour a broader
integration of cultural considerations in EC action has confronted many hurdles, and growing awareness of the discretion enjoyed by the European institutions in the field also militated against significant change.

Though it does not function well now, there are grounds to believe that cultural mainstreaming can ultimately make a stronger contribution to the preservation and promotion of Member States’ cultural diversity than the EC cultural policy *stricto sensu*: whereas the explicit cultural powers of the Community are strictly delineated by Article 151 EC, once culture is placed in a broader context of some other Community policy, there are no such restrictions as to the means through which the EU can pursue the aim of preserving cultural diversity.

In fact, in those policy areas where attempts, albeit limited, have been made to give weight to Article 151(4) EC, the focus has been either on encouraging the production and distribution of diversified cultural content, or promoting sustainable heritage conservation and management. Given the nature of the cultural objectives pursued, it is evident that the exercise of the implied cultural powers conferred to the Community by means of Article 151(4) EC cannot, and does not officially aim at favouring cultural assimilation and uniformity. It rather supports the emergence of an environment conducive to increased access to, and participation in, cultural life, stimulating the provision of a variety of cultural options for the European citizen, with respect to cultural creation and cultural enjoyment. This is reassuring, since Article 151(4) EC, expanding Community cultural competence outside the procedural limits of Article 151 EC, could be thought to allow the development of controversial cultural agendas.

Arguing for increased integration of cultural considerations in overall Community action presupposes a profound appraisal of EC policy structures and procedures. In order to bring a cultural perspective to EU policies, European institutions need to be alert to the cultural ramifications of their action across all phases of policy-making. Drawing inspiration from initiatives launched to comply with environmental and gender mainstreaming requirements, various methodological instruments, apt to ensure that cultural matters are considered throughout policy design and implementation, can be envisaged. Appointing key officials responsible for a cultural mainstreaming strategy, providing training for the development of cultural-sensitive policies, establishing networks of cultural diversity experts across policy sectors and introducing ‘cultural impact assessments’ could substantially strengthen the cultural mainstreaming performance of the Community.

This is not to deny that there will always be instances where cultural concerns are overshadowed by the sectoral interests of the policy areas in which action is taken. Cultural mainstreaming is an essentially political process, which