ARTICLES
SPECIAL SECTION – POLICY COORDINATION IN THE EU: TAKING STOCK OF THE OPEN METHOD OF COORDINATION

THE CULTURAL OPEN METHOD OF COORDINATION: A NEW BUT DIFFERENT OMC?

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ABSTRACT: This *Article* focuses on the use of the OMC in the field of culture – a particularly sensitive policy field for the Member States. The cultural OMC was conceived as a flexible, non-binding and voluntary framework for structuring Member States' cultural cooperation and fostering the exchange of best practice. The analysis seeks to deepen the understanding of the cultural OMC as a framework for policy coordination. It examines the origins of the process and the arguments that supported it, as well as its formation, operation and development through three distinct cycles (2008-2010; 2011-2014; 2015-2018). It also places the cultural OMC within the broader framework of EU cultural policy and juxtaposes it with other coordination mechanisms pertaining directly or indirectly to culture. In doing so, the *Article* investigates the specificities of the cultural OMC and testifies to the broader set of processes that currently seek to coordinate Member States' culture policies.

KEYWORDS: open method of coordination – culture – policy coordination – cultural cooperation – European Agenda for Culture – Work Plans for Culture.

I. INTRODUCTION

Cultural policy is a policy area that has been considered outside the norm of mainstream EU law and policy for years. This is due to the fact that the main responsibility to

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design and implement cultural policies remains with the Member States. Pursuant to Art. 6 TFEU, culture belongs to the policy areas where the Union has competence only "to carry out actions to support, coordinate or supplement the actions of the Member States". More concretely, Art. 167, para. 1, TFEU declares that "[t]he Union shall contribute to the flowering of the cultures of the Member States while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore". Art. 167, para. 2, TFEU provides that EU cultural activity "shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action" in specified areas. A limited set of instruments, laid down in Art. 167, para. 5, TFEU, can be used for that purpose, without harmonization of the laws and regulations of the Member States. Together with the Member States, the EU is also expected to foster cultural cooperation with third countries and international organizations. Moreover, through Art. 167, para. 4, TFEU, it is mandated to "take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures".

The EU's limited cultural mandate has mainly triggered the adoption of support measures for the promotion of transnational cultural cooperation. However, since 2008, cultural cooperation at the EU level has diversified: Member States have agreed to work together by establishing and participating in a cultural OMC. The aim of this *Article* is to deepen the understanding of the cultural OMC as a framework for policy coordination. Since its formal inception by the 2000 Lisbon European Council[1] and the advent of "new governance", the OMC has been closely associated with policy dialogue and deliberation, the exchange of experience and good practice, policy experimentation and learning from peers.[2] Does the OMC in the field of culture manifest such characteristics? How has the cultural OMC been configured and applied and what is its relationship with policy coordination? To answer these questions, the analysis is structured as follows. Section II explores the main arguments that have framed institutional discourse on the desirability of a cultural OMC. Section III discusses the origins of the cultural OMC and institutional positioning on the issue. Section IV focuses on the operation and evolution of the cultural OMC through three distinct cycles: 2008-2010; 2011-2014; 2015-2018. Section V examines the relationship of the cultural OMC to policy coordination, whereas sections VI and VII place it within the broader framework of EU cultural policy and jux-

[1] European Council Conclusions of 23-24 March 2000.

[2] See indicatively T. *Börzel, European Governance: Negotiation and Competition in the Shadow of Hierarchy*, in Journal of Common Market Studies*, 2010, p.* 191 *et seq.*; S. Borrás, K. Jacobsson, *The Open Method of Co-ordination and New Governance Patterns in the EU*, in *Journal of European Public Policy*, 2004, p. 185 *et seq.*; D. Hodson, I. Maher, *The Open Method as a New Mode of Governance: The Case of Soft Economic Policy Co-ordination*, in *Journal of Common Market Studies*, 2001, p. 719 *et seq.*; C.F. Sabel, J. Zeitlin, *Learning from Difference: The New Architecture of Experimentalist Governance in the EU*, in *European Law Journal*, 2008, p. 271 *et seq*.

tapose it with other coordination mechanisms pertaining to culture. The analysis ends, in section VIII, with some concluding remarks on the future of the cultural OMC and policy coordination in the field of culture.

II. The "promises" of the cultural OMC

Existing literature on the OMC and new modes of governance more broadly has expounded on the normative debate that has surrounded the emergence and intensification of policy coordination processes at EU level, following the 2000 summit of the European Council in Lisbon. Institutional and academic proponents of new modes of governance have praised the OMC on various grounds.[3] First, the OMC was seen as offering a middle road between greater supranational action in particular policy areas and Member States' desire to retain control over these areas, thus striking a "constitutional compromise".[4] Secondly, it was hailed for its ability to improve policy effectiveness. EU decision-makers, it has been argued, do not always have the necessary expertise to deal with complex or sensitive issues and often lack knowledge on the implementation of rules and policies by national ministries. Resting on the activities of expert committees and working groups, the OMC could respond to knowledge deficiencies and help connect with national administrations mostly through their involvement in reporting. Moreover, the OMC could encourage participants to share information and good practice and thus foster mutual learning, in support of improved policy-making.

The "democratic potential" of new governance in general and of the OMC in particular was predicated upon the prospect of a more participatory system of EU policy-making, with substantive civil society involvement and a decentralized, open and transparent deliberative process. This has gone hand in hand with claims about the contribution of the OMC to the strengthening of the social dimension of European integration (as the new governance debate mostly focused on the use of the OMC in the social domain). This "(social) policy promise" of the OMC underlined the ability of the process to engage and commit the Member States to the pursuit of a common reform agenda, which would be implemented with appropriate respect for national differences.

The birth of the cultural OMC did not involve such a rich normative academic debate. For one thing, there has been no academic excitement about the use of the OMC in the area of culture. Instead, and with limited exceptions, the process has gone unno-

[3] On this see M. Dawson, *New Modes of Governance*, in D.M. Patterson, A. Södersten (eds), *A Companion to European Union Law and International Law*, Chichester: Willey Blackwell, 2016, p. 149.

[4] J. Zeitlin, *Social Europe and Experimentalist Governance: Towards a New Constitutional Compromise?*, in G. De Bürca (ed.), *EU Law and the Welfare State: In Search of Solidarity*, Oxford: Oxford University Press, 2005, p. 213.

ticed in academic circles.[5] On the other hand, the European institutions reflected on the application of a cultural OMC, echoing some of the earlier aspirations on the OMC and new governance. The Commission, in particular, which advanced the idea of a cultural OMC with its Communication on a European agenda for culture in a globalizing world (European Agenda for Culture), raised arguments on the desirability of a cultural OMC from the perspective of policy effectiveness and participation.[6] The Commission observed for instance that the OMC "enables Member States to learn from one another" and "strengthen[s] [...] policy making" by "creat[ing] an additional stimulus" for national policies.[7] It also took the position that the OMC allows policy actors "to have a voice at the European level that they would not otherwise have".[8] A similar stance was adopted by the European Parliament, which emphasized the significance of the involvement of local and regional authorities in the process.[9]

Such narratives were supplemented by arguments about the suitability of the OMC specifically for the field of culture in a way that was reminiscent of the "constitutional compromise". The Commission stressed that the OMC was "an appropriate framework for cooperation in the field of culture" – a policy field "where competence remains very much at Member State level" but where "the EU has a unique role to play".[10] This was associated with an understanding of the OMC as capable of "tak[ing Member States'] cooperation one step further" – the "(cultural) policy promise" of the OMC.[11] According to the Commission, such enhanced cultural cooperation of the Member States should ultimately serve as a means for "further developing their [cultural] policies".[12]

The attention paid to the "cultural policy promise" of the OMC had a dual purpose: first, to assure Member States that their autonomy in devising and implementing their domestic policies on culture would not be undermined, and secondly, to highlight the usefulness of the process for Member States' cultural policies. The emphasis on enhanced *cultural cooperation* as opposed to *policy coordination* in the field of culture

[5] See, in particular, K. Mattocks, *Co-ordinating Co-ordination: The European Commission and the Culture Open Method of Coordination*, in *Journal of Common Market Studies*, 2018, p. 318 *et seq.*; K. Mattocks, *A Few Sparks of Inspiration'?: Analysing the Outcomes of European Union Cultural Policy Coordination*, in *European Politics and Society*, 2017, p. 20 *et seq.*; E. Psychogiopoulou, *The "Cultural" Open Method of Coordination. Is It Up to the Job?*, in *International Journal of Media and Cultural Politics*, 2017, p. 229 *et seq.*; E. Psychogiopoulou, *The Cultural Open Method of Coordination: A New Boost for Cultural Policies in Europe?*, in *Maastricht Journal of European and Comparative Law*, 2017, p. 264 *et seq*.

[6] Communication COM(2007) 242 final of 10 May 2007 from the Commission on a European agenda for culture in a globalizing world.

[7] *Ibid.*, p. 12.

[8] *Ibid.*

[9] European Parliament Resolution P6_TA(2008)0124 of 10 April 2008 on a European agenda for culture in a globalising world, paras 71-72.

[10] Communication COM(2007) 242, cit., pp. 3 and 12.

[11] *Ibid.*, p. 12.

[12] *Ibid.*, p. 8.

sought to overcome initial hesitancy in the Council. Attempts to this end also touched on the actual label of the process, with some Member States preferring "open method of cooperation", instead of "open method of coordination".[13] Approaching the cultural OMC as a means to support policy development at the national level also sought to convince Member States of the pertinence of the process. At the same time, it downplayed its usefulness for policy development at the EU level. Besides feeding Member States cultural policies, the cultural OMC could be used to inform EU cultural action. The absence of any concrete reference in the European Agenda for Culture to its relevance for EU-level cultural action showed reticence to consider it as a process that could usefully contribute to EU cultural policy-making. Subsequent EU documents sought to correct this by raising awareness about its relevance for the EU institutions, as will be discussed below.

III. The birth of the cultural OMC

Early discussions on the design and structure of a cultural OMC were characterised by the absence of pre-existing coordination processes operating in the framework of the EU's cultural policy. Art. 167 TFEU does not elaborate on any coordination mechanism and only refers to incentive measures (adopted by the European Parliament and the Council) and (Council) recommendations on legal instruments available for the objectives that it presents.[14] Incentive measures have traditionally taken the form of funding. As indicated above, they have sought to support transnational cultural cooperation mainly by providing financial assistance to projects carried out in partnership or through cultural networks. They have also offered operating grants to organizations with a European cultural vocation and they have funded prestige initiatives such as the *European Capitals of Culture*.[15] They have not been used to engage in cultural policy coordination at EU level.

Recommendations, a characteristic instrument of EU soft law, which is used to suggest a line of action for the Member States but without binding force, could in principle be used as a means to engage in cultural policy coordination. However, Council recommendations concerning the policy domain of culture have rarely been adopted whereas some recommendations that could be viewed from a cultural policy coordination perspective have been issued in the framework of policies other than culture (on which see section VII). Other Council documents, such as the conclusions the Council commonly adopts to express its political position on specific issues, normally invite

[13] E. Psychogiopoulou, *The Cultural Open Method of Coordination*, in E. Psychogiopoulou (ed.), *Cultural Governance and the European Union: Protecting and Promoting Cultural Diversity in Europe*, Basingstoke: Palgrave Macmillan, 2015, p. 39.

[14] See Art. 167, para. 5, TFEU.

[15] See ec.europa.eu.

Member States (either with the Commission or not) to act in certain ways.[16] However, Council conclusions on culture have not sought coordination by fixing common objectives to pursue and by setting up procedures for assessing Member States' progress towards their achievement.

The fact that the cultural OMC would not build upon or adapt existing coordination processes in the domain of culture meant that by means of the European Agenda for Culture, most Member States would meet the idea of cultural policy coordination for the first time. The need to assuage domestic authorities influenced the Commission's position on the design of the process. Its proposal in the European Agenda for Culture argued for a flexible approach: "the setting of general objectives with a light regular reporting system".[17] The Council was accordingly invited to endorse the strategic objectives that the European Agenda for Culture had identified, namely promotion of cultural diversity and intercultural dialogue; promotion of culture as a catalyst for creativity in the framework of the then Lisbon Strategy for growth and jobs;[18] and promotion of culture as a vital element in the Union's international relations. It was also invited to set priorities and to agree on a biennial reporting exercise. As part of this reporting exercise, the Commission suggested drafting a joint report with high level representatives of the Member States every two years. This should present progress across Member States toward the common objectives, on the basis of national reports submitted by the Member States, which should also discuss the involvement of stakeholders, and of local and regional authorities in the activities concerned. At EU level, input from civil society would be gathered a year preceding the joint report through a dedicated meeting.

The reaction was a reluctant one, which led rather quickly to agreement on the form that the cultural OMC would take: as cultural integration was out of question, the cultural OMC would be a "light" OMC, "tailor-made" to culture, and resonant with Member States' resolve to preserve their autonomy in cultural policy-making. Indeed, the Council endorsed the use of the OMC in the field of culture, together with the strategic objectives of the European Agenda for Culture, in a 2007 resolution. This explained that the purpose of the cultural OMC would be to "provide a flexible and non-binding framework for structuring cooperation around the strategic objectives of the European Agenda for Culture and fostering exchanges of best practices".[19] The Council thus approached the cultural OMC primarily as an instrument for *organising* Member States' *cooperation* and for facilitating sharing experiences, information and good practices, in support of *mutual learning*.

[16] See for instance Council Conclusions of 21 May 2014 on Cultural Heritage as a Strategic Resource for a Sustainable Europe; Council Conclusions on Participatory Governance of Cultural Heritage.

[17] Communication COM(2007) 242, cit., p. 12.

[18] European Council Conclusions of 23-24 March 2000.

[19] Council Resolution of 16 November 2007 on a European Agenda for Culture.

In setting priority areas for action in the period 2008-2010, the Council demonstrated its eagerness to play a key role in wider questions of system design and maintaining Member States' cultural prerogatives.[20] Member States' participation in the OMC would be voluntary. The implementation of the strategic objectives and the priority areas identified would rest on triennial cultural work plans (WPs) adopted by the Council, which would also make arrangements for the operation of the cultural OMC. The Commission could contribute to the WPs with proposals for specific actions, including actions concerning the cultural OMC, but these would need to be approved and sanctioned by the Council. The Commission would be responsible for preparing a progress report after consulting the Cultural Affairs Committee (CAC) – the Council's preparatory group on cultural affairs. The progress report should draw on information voluntarily provided by the Member States and be submitted to the Council, which could then review the cultural OMC, in cooperation with the Commission. The European Parliament, the European Economic and Social Committee and the Committee of the Regions should be kept informed of the process and more generally, of the implementation of the WP. Cultural actors and the public at large should be informed about the WP's objectives and priority actions.

IV. The operation and evolution of the cultural OMC

The 2008-2010 WP for Culture linked the OMC to the priority areas for action identified by the Council by establishing dedicated working groups (WGs).[21] According to the WP, participation of Member States in the WGs would be voluntary. The WGs should be made up of experts from Member States which should "ideally have a mix of operational and policy experience in the relevant field at a national level".[22] They could decide to invite external experts to contribute and they should report to the CAC on their progress.[23] The Commission was expressly asked to facilitate the activities of the WGs through the launch of studies and logistical and secretarial support. It was also invited to report on developments mid-term and at the end of the period covered by the WP.

Four WGs, with 22 to 27 participating Member States and experts with diverse backgrounds (from national ministries, civil society and academia) operated from 2008 to 2010 – the first cycle of the cultural OMC which was rather experimental. In a 2010 report on the implementation of the European Agenda for Culture, the Commission found that the cultural OMC was "overall an effective way of cooperation in the field of culture" and "a good framework for networking and mutual learning among national

[20] *Ibid.*

[21] Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the Work Plan for Culture 2008-2010.

[22] *Ibid.*, Annex II.

[23] *Ibid.*

administrations".[24] However, it had proved challenging to "channel [the policy recommendations of the process] into policy making at EU and national level, and articulate the work of the groups with that of Council Presidencies and [also] the Commission".[25] On this basis, the Commission suggested focusing on "issues and outputs which [could] be taken up by Member States and the Commission in their respective fields of competence"; and "a closer articulation of the work of [the] OMC groups, the Commission and the Council".[26]

The WP for Culture for the period 2011-2014 made targeted modifications of the structure and operation of the cultural OMC.[27] Thus, the second cycle of the process involved ten WGs, linked to a revised set of policy priorities, and gathering diverse experts from 23 to 26 Member States. The WP sought to define the mandate of the WGs with more precision and listed the type of outputs envisaged for each one (e.g. analytical reports, best practice compendia, policy handbooks and so on). It also indicated that the selected topics should be addressed successively, within a period of four years, by national experts with "practical experience in the relevant field at national level" and "effective communication with competent national authorities".[28] Interestingly, the topics identified were directly connected to the strategic objectives of the European Agenda for Culture and the priorities of the Europe 2020 Strategy.[29] These links sought to specify the desired focus for the activities of the WGs and also increase the political salience of their findings.

Concerning the WGs' output, it was stressed that the WG reports should contain "concrete and useable results".[30] The Presidencies of the Council, in particular, were invited to build upon the results achieved through the organisation of meetings of senior officials from Member States' cultural ministries. The Commission and the Member States were asked to regularly consult and inform stakeholders on the implementation of the recommendations of the WGs. This marked a considerable improvement from the 2008-2010 WP which had generally invited the Commission to consult stakeholders on the implementation of the WP. In fact, the WP also made clear that in addition to external experts, the WGs could invite representatives of civil society to participate in their activities. The 2011-2014 WP thus sought to strengthen the links of the cultural OMC to civil society and also to accentuate the relevance of the WGs' findings for the Commis-

[24] Report COM(2010) 390 of 19 July 2010 from the Commission on the implementation of the European agenda for culture, p. 8.

[25] *Ibid.*

[26] *Ibid.*

[27] Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture 2011-2014.

[28] *Ibid.*, Annex II.

[29] Communication COM(2010) 2020 final of 3 March 2010 from the Commission on Europe 2020, *A Strategy for Smart, Sustainable and Inclusive Growth*.

[30] Council Conclusions on a Work Plan for Culture 2011-2014, Annex II.

sion and the Member States – albeit indirectly (by inviting them to inform civil society on the implementation of the WGs' policy proposals).

In 2013, the Commission requested an external evaluation of the cultural OMC as a tool for implementing the European Agenda for Culture and the WPs.[31] This was corroborated in 2014 by a Commission survey on the implementation of the 2011-2014 WP.[32] The external evaluator found that overall there was widespread support for the way the OMC worked.[33] Participation in the process mostly led to benefits in opportunities for mutual learning, the exchange of best practice and the building of knowledge networks. Potential weaknesses included overly generalized outputs (although the changes made under the second cycle of the cultural OMC had improved focus), variations in the level of participants' expertise, limited interaction with civil society, limited research capacity and weak dissemination of the WGs' findings. Still, the external evaluation concluded that the cultural OMC was a *sustainable* process: only incremental improvements were needed; its fundamental structure should be kept intact.[34]

As a result, the WP 2015-2018 made no significant changes to the design and operation of the cultural OMC.[35] It revised priority areas for action, provided for a new list of WGs (all of which were connected to the European Agenda for Culture and the Europe 2020 Strategy) and invited the Commission to supplement the work of the WGs with studies and peer learning exercises and to support the widest possible participation of stakeholders in the process.[36] It also invited the Member States to consider the results of the WP (and thus also the results of the cultural OMC) when developing policies at the national level; the Presidencies of the Council to convene informal meetings to discuss the uptake of the OMC outputs; and the Commission to disseminate information on the OMC findings in as many languages as appropriate, including digitally.

Thus, it is clear that the 2011-2014 and 2015-2018 WPs sought to streamline the cultural OMC, but without major alterations that could undermine its flexibility. Although attention was drawn to the importance of disseminating and considering results at the national and European levels, the emphasis has been on ensuring modalities that

[31] See ECORYS, *Evaluation of the Open Method of Coordination and the Structured Dialogue, as the Agenda for Culture's Implementing Tools at European Union Level*, Final Report, July 2013, ec.europa.eu.

[32] On this see Report COM(2014) 535 final of 25 August 2014 from the Commission on the implementation and relevance of the Work Plan for Culture 2011-2014, p. 9.

[33] ECORYS, *Evaluation of the Open Method of Coordination*, cit., p. 10.

[34] *Ibid.*, p. 48.

[35] Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture 2015-2018.

[36] Member States' culture ministers subsequently agreed to create a WG to explore how culture and the arts can promote migrant and refugee social integration through increased participation in cultural and societal life. See Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, *Amending the Work Plan for Culture (2015-2018) as Regards the Priority on Intercultural Dialogue*.

could facilitate the exchange of experience and mutual learning. There has been no attempt to "harden" procedures.

V. Cultural policy coordination or cultural cooperation?

According to the Commission's survey on the implementation of the 2011-2014 WP, Member States had "a [...] mixed opinion on the role played by the work plan [and thus also by the cultural OMC] on *coordinating* cultural policy at EU level, with 67% [of the Member States] considering that coordination had improved, and 25% considering that it had not [emphasis added]".[37] Relevant percentages are disclosed in the Commission's 2014 report on the implementation and relevance of the 2011-2014 WP, which employs atypical wording. "*Coordinating* cultural policy at EU level" does not usually appear in EU documents relating to the cultural OMC.

Clearly, the cultural OMC is not a demanding policy coordination process. In fact, it is characterised by arrangements that for the most part do not match conventional traits of the OMC as a framework for policy coordination, even if, as rightly noted in the literature, there is significant variation in the architecture and constitutive elements of different OMC processes.[38] The cultural OMC lacks the key features of what is usually depicted as an "ideal" OMC model, namely the OMC foreseen by the Lisbon European Council for turning the Union into "the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion".[39] According to the conclusions of the Lisbon European Council, the OMC – a means for "spreading best practice and achieving greater convergence towards main EU goals"[40] – consists of (i) setting guidelines for the EU combined with specific timetables for achieving the goals in the short, medium and long term; (ii) establishing, where appropriate, quantitative and qualitative indicators and benchmarks as a means of comparing best practice; (iii) translating the European guidelines into national and regional policies by setting specific targets and adopting measures; and (iv) periodic monitoring, evaluation and peer review organized as mutual learning processes.[41]

The cultural OMC does not involve any particular guidelines with goals to be attained within a specific timeframe, although the process is of course performed under the overarching framework of the European Agenda for Culture, which has set broad common objectives to guide cultural action at the EU level and the recursive revision of

[37] Commission Report COM(2014) 535, cit., p. 9.

[38] B. Laffan, C. Shaw, *Classifying and Mapping OMC in Different Policy Areas*, 29 July 2005, www.eu-newgov.org.

[39] European Council Conclusions of 23-24 March 2000, cit., para. 5.

[40] *Ibid.*, para. 37.

[41] *Ibid.*

priority areas of action identified on that basis. There is accordingly no particular reform agenda, even if the common objectives of the European Agenda for Culture (and since 2011, the priorities of the EU 2020 Strategy) have had a marked influence on the topics dealt with by the WGs. Crucially, as there is no reformist agenda, there are also no benchmarks and indicators to compare and evaluate the performance of the Member States, no peer-review and no reporting on behalf of the Member States for monitoring progress made.

In its present form, the cultural OMC also lacks any concrete institutionalized follow-up mechanism. Efforts to raise the profile and visibility of the findings of the WGs through mechanisms such as the adoption of Council conclusions on cultural OMC topics should not be seen as undermining the flexibility of the process. To give an example, in 2017 the Council adopted conclusions on promoting access to culture via digital means with a focus on audience development – one of the topics tackled under the third cycle of the cultural OMC.[42] The Council conclusions made express reference to the final report issued by the WG concerned, built on some of its recommendations and directly took up others.[43] However, in suggesting a particular course of action, the Council conclusions did not commit the Member States to any process of assessing progress, through obligatory reporting or procedures for accounting for national performance. Member States may eventually be more inclined to follow the course of action put forward in the Council conclusions (than the policy recommendations contained in the WG's report) but this does not alter the features of the cultural OMC as a non-prescriptive process.

In describing what the cultural OMC is about, the Commission notes on its website:

> "Under the OMC, experts from ministries of culture and national cultural institutions meet [...] to exchange good practice and produce policy manuals or toolkits which are widely shared throughout Europe. [...] The OMC creates a common understanding of problems and helps to build consensus on solutions and their practical implementation. Through an exchange of good practice between EU countries, it contributes to improving the design and implementation of policies, without regulatory instruments".[44]

Apparently, for the Commission, the cultural OMC is primarily a process for the exchange of good practice and the production of policy output (by national administra-

[42] Council Conclusions on Promoting Access to Culture via Digital Means with a Focus on Audience Development.

[43] Such as the compilation of EU-wide voluntary guidelines for the collection and management of data on digital audiences. See WG on promoting access to culture via digital means, *Final Report on Promoting Access to Culture Via Digital Means: Policies and Strategies for Audience Development*, June 2017, publications.europa.eu, p. 45.

[44] Commission, *European Cooperation: The Open Method of Coordination*, ec.europa.eu.

tions and representatives of the sector) with the aim to share knowledge and pinpoint solutions to what are perceived to be common problems.

Existing literature reveals that policy coordination processes (and especially distinct elements of their architecture and methodology) can be underpinned by different coordination rationales: coordination as "convergence" and coordination as "cooperation".[45] While "cooperation" is generally considered to "work with the autonomy of states to define their policies [...] [and] promotes elective and selective learning across states, 'convergence' suggests that the process is not agnostic about what states can and ought to learn with a potential consequential reduction in policy diversity".[46]

The cultural OMC does not embody mechanisms or procedures for "coercive" or "constrained" learning. It is based on the premise that Member States' autonomy in devising and implementing cultural policy should be preserved. This is in line with the EU competences in the field of culture. Art. 167 TFEU attributes to the Union a complementary cultural competence, which ensures that Member States remain the principal actors that develop cultural policy. It also excludes the adoption of harmonizing measures and firmly proclaims respect for cultural diversity, rejecting any form of cultural assimilation. Its main driver actually resides in the promotion of Member States' cooperation. It should thus come as no surprise that "cooperation" is the paradigm that underlies the cultural OMC – not coordination as "convergence".

Seen in this light, the cultural OMC confirms that the OMC primarily targets, as a framework for policy coordination, policy areas that belong to the complementary competences of the EU.[47] It also reveals that policy coordination processes can take the form of genuine cooperation. The cultural OMC advances a particularly "light" understanding of coordination. Member States cooperate – in a systematic way and subject to the iterative revision of the WPs – in order to inform on their cultural policies and exchange good practices on issues of mutual interest. This can spur mutual learning and ultimately feed national policy but there is no mechanism in the process that is specifically meant to reduce Member States' cultural autonomy or limit policy diversity. This explains the Council's emphasis on the cultural OMC as a framework for *structured cultural cooperation* between Member States.[48]

[45] M. Biagi, *The Implementation of the Amsterdam Treaty with Regard to Employment: Co-ordination or Convergence?*, in *International Journal of Comparative Labour Law and Industrial Relations*, 1998, p. 325.

[46] K. Armstrong, *Europeanizing Social Inclusion – Theory, Concepts and Methods*, Oxford: Oxford University Press, 2010, p. 41.

[47] On this see the contribution in this *Special Section* of S. de la Rosa, *The OMC Processes in the Health Care Field: What Does Coordination Really Mean?*, in *European Papers*, 2018, Vol. 3, No 1, www.europeanpapers.eu, p. 215 *et seq.*

[48] Council Resolution on a European Agenda for Culture, para. 9.

VI. The cultural OMC in the context of EU cultural policy

Now undergoing its third cycle, the cultural OMC has irreversibly altered the configuration of EU cultural policy and the instruments it involves. A firm component of EU cultural action, it could be argued in fact that it has reached a period of relative "maturity": it sees high levels of participation by Member States[49] and delivers what it sets out to deliver, i.e. policy reports and manuals that present good practice and develop policy recommendations.[50] This corroborates the Council's statement that the cultural OMC constitutes "the main working method of cooperation among Member States".[51]

The fact that the cultural OMC forms a solid part of EU cultural policy has led to a reinforcement of its links to other instruments and processes of EU cultural policy-making. This is manifested in the *Creative Europe* programme – the Union's framework programme for support to the cultural and audiovisual sectors,[52] which provides, inter alia, financial assistance for transnational cultural cooperation projects. Throughout the different cycles of the cultural OMC, the wider thematic areas addressed can be summarized as follows: (i) cultural diversity, intercultural dialogue, accessible and inclusive culture and mobility of cultural works; (ii) skills and mobility of culture professionals; (iii) cultural and creative industries, the creative economy and innovation; and (iv) cultural heritage. The latest call for proposals for European cooperation projects highlights as priority themes for cooperation topics that were either the mandate of the cultural OMC WGs or received considerable attention.[53]

[49] With respect to the third cycle of the process, it is indicative that the WG on promoting reading in the digital environment gathered experts from 23 Member States; the WG on the development of the key competence "cultural awareness and expression", the WG on access to finance for the cultural and creative sectors and the WG on promoting access to culture via digital means experts from 25 Member States; and the WG on intercultural dialogue in the context of the migratory and refugee crisis experts from 26 Member States.

[50] See the reports produced in the framework of the third cycle of the cultural OMC at ec.europa.eu (listed together with Commission studies and reports).

[51] Council Conclusions on a Work Plan for Culture 2015-2018.

[52] Regulation (EU) 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC.

[53] These are: "– Promote the transnational mobility of artists and professionals with a view to enabling them to cooperate internationally and to internationalize their careers. – Strengthen audience development as a means of improving access to European cultural and creative works and tangible and intangible cultural heritage and extend access to cultural works to under-represented groups. – Foster capacity building through innovative approaches to creation, develop and test new and innovative models of revenue, management and marketing for the cultural sectors, in particular as regards the digital shift, and developing new skills for cultural professionals. – Enhance intercultural dialogue, promote shared EU values and mutual understanding and respect for other cultures, thereby contributing to the social integration of migrants and refugees". See Commission, *Creative Europe (2014-2020), Culture Sub-programme, Call for Proposals EACEA 32/2017: Support for European cooperation projects 2018*, eacea.ec.europa.eu.

The themes addressed in the context of the Structured Dialogue (SD), the process the Commission maintains for policy dialogue with civil society, have also been aligned to those of the cultural OMC. Formally initiated with the European Agenda for Culture,[54] the SD consists of two strands: the European culture forums, organised biannually by the Commission, and specific channels for facilitating dialogue between civil society and the Commission. During the first and second cycles of the cultural OMC, representatives of the civil society platforms operating in the context of the SD participated as external experts in the WGs, encouraging input from civil society.[55] To ensure greater complementarity between the two processes and sharpen stakeholders' contribution to the cultural OMC, the themes tackled by Voices of Culture, the current framework for dialogue between civil society and the Commission,[56] were explicitly linked to the topics of the third cycle of the cultural OMC WGs, with stakeholders sharing their views and ideas with the WGs on a regular basis.

Concurrently, the cultural OMC has followed the strengthening of the socio-economic paradigm that has progressively underlined EU cultural policy. Following the European Agenda for Culture and the strategic objectives that it put forward, the contribution of culture to growth, job creation and social cohesion in Europe became more pronounced.[57] The ability of culture to provide answers to wider economic and social concerns in the EU was resolutely advanced by the European institutions, with culture gaining recognition as an area of broad policy relevance. Calls for a holistic approach that goes beyond cultural policy intensified, finding support in the opportunities offered by Art. 167, para. 4, TFEU for synergies between culture and other EU policies.

The renewed attention given to the socio-economic dimension of culture received consideration during the first cycle of the cultural OMC but was bolstered during the second and especially the third cycle of the process, which encouraged links with other policies. Indeed, many of the topics that have been addressed by the cultural OMC include themes that are not only relevant for culture but also for other policy sectors such as education and training, regional development, tourism, the EU's digitization and innovation policies, employment, social inclusion, migration and integration policies, to name but a few. This explains the steps increasingly taken by the various WGs to en-

[54] Communication COM(2007) 242, cit., pp. 11-12.

[55] See ECORYS, *Evaluation of the Open Method of Coordination*, cit., pp. 11, 16, 42.

[56] See www.voicesofculture.eu.

[57] On this see A. LITTOZ-MONNET, *Agenda-Setting Dynamics at the EU Level: The Case of the EU's Cultural Policy*, in *Journal of European Integration*, 2012, p. 505 *et seq.*; E. PSYCHOGIOPOULOU, *Cultural Mainstreaming: The European Union's Horizontal Cultural Diversity Agenda and its Evolution*, in *European Law Review*, 2014, p. 626 *et seq.*

gage with Commission Directorates-General (DGs) besides the DG for Education, Youth, Sport and Culture (EAC).[58]

The attention accorded to the socio-economic effects of culture and the connections drawn with an array of other policies are in line with the 2015-2018 WP: the guiding principles for its implementation were the "mainstreaming" of culture in other policy areas and encouraging "cross-sectorial cooperation".[59] They also reveal a strong instrumental approach to culture, based on its socio-economic and societal relevance. Both the topics selected and their treatment by the WGs point to the potential of culture to deliver a wide range of instrumental benefits, such as fostering intercultural dialogue, encouraging employment, supporting economic and social development and promoting social inclusion, amongst others.

VII. Cultural coordination outside the cultural OMC

Although the cultural OMC lacks key characteristics of the "ideal" OMC model put forward by the Lisbon European Council, other culture-related processes might possess such characteristics or engage in preliminary actions for the development of OMC tools. Novel forms of policy coordination might also be emerging, without directly building on the OMC and its attributes.

For example, the European Year of Cultural Heritage (2018, hereinafter EYCH) could play an important role in the development of standards, which is a prerequisite for policy coordination through benchmarking and the use of common indicators, in addition to ongoing efforts in the field of culture statistics, to produce comparable data across the EU and overcome differences in Member States' statistical approaches.[60] Launched in order to "encourage the [...] appreciation of Europe's cultural heritage as a shared resource", "raise awareness of common history and values", and "reinforce a sense of belonging to a common European space",[61] the EYCH involves activities at the Union, national, regional and local levels. One of the *European initiatives* of the EYCH, the "Cher-

[58] See Ecorys, *Evaluation of the Open Method of Coordination*, cit., pp. 10-11, 13, 16-17, 19. See also WG on access to finance for the Cultural and Creative Sectors, *Good Practice Report. Towards More Efficient Financial Ecosystems: Innovative Instruments to Facilitate Access to Finance for the Cultural and Creative Sectors (CCSs)*, November 2015, publications.europa.eu, p. 10; WG on promoting reading in the digital environment, *Report on Promoting Reading in the Digital Environment*, April 2016, publications.europa.eu, p. 9; WG on intercultural dialogue in the context of the migratory and refugee crisis, *Report on How Culture and the Arts Can Promote Intercultural Dialogue in the Context of the Migratory and Refugee Crisis*, March 2017, publications.europa.eu, p. 24; WG on promoting access to culture via digital means, *Report on Promoting Access to Culture Via Digital Means*, July 2017, publications.europa.eu, p. 51.

[59] Council Conclusions on a Work Plan for Culture 2015-2018, cit.

[60] See Council Conclusions on the Work Plan for Culture 2008-2010, cit.; on a Work Plan for Culture 2011-2014, cit.; on a Work Plan for Culture 2015-2018, cit.

[61] Art. 1, para. 2, of Decision 2017/864/EU of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage (2018).

ishing heritage" initiative, specifically targets "developing quality standards for interventions on cultural heritage".[62]

In the field of external cultural relations, developments following the adoption of the European Agenda for Culture have gradually but unquestionably led to the introduction of elements of policy coordination concerning the cultural activities of the Member States *vis-à-vis* third countries. In the wake of the European Agenda for Culture, which advocated a stronger role for culture in EU external relations,[63] the Council argued for a European strategy aimed at the consistent and systematic incorporation of culture into the EU's relations with third countries and international organizations.[64] The 2008-2010 WP for culture allowed for some preliminary work in this area.[65] The 2011-2014 WP (and its successor, the 2015-2018 WP) provided for joint informal meetings between senior officials of Member States' ministries of culture and of foreign affairs whereas in 2012, the Commission assembled an expert group (outside the framework of the cultural OMC) to work precisely in this area.[66]

Following the 2011 resolution of the European Parliament on the cultural dimensions of the EU's external actions, which suggested, amongst other issues, the establishment of an interinstitutional taskforce to "develop and widen coordination",[67] a preparatory action on culture in external relations was launched.[68] This took the form of an extensive mapping and consultation process that culminated in the formulation of operational recommendations for the development of an "EU strategy (that) would help to coordinate, amplify and consolidate the efforts of Member States".[69] Recommendations covered proposals for "cooperation between Member States, notably via their cultural institutes and attachés abroad, as well as across [...] civil society linkages and networks

[62] See Commission, *10 European Initiatives*, europa.eu; and ICOM, *European Initiative no 6. Cherishing Heritage: Developing Quality Standards for Intervention on Cultural Heritage*, network.icom.museum.

[63] Communication COM(2007) 242, cit., pp. 10-11.

[64] Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council on the Promotion of Cultural Diversity and Intercultural Dialogue in the External Relations of the Union and Its Member States.

[65] The 2008-2010 WP provided for "meetings of senior government officials in the field of culture, including the meetings of Directors General of Culture in the Ministries of Foreign Affairs" with the objective of exchanging views and formulating recommendations "on the promotion of culture inside the EU and in its external relations" as well as promoting "cooperation between EU Member States' cultural institutions and with their counterparts in third countries". See Council Conclusions on the Work Plan for Culture 2008-2010.

[66] Commission Report COM(2014) 535, pp. 6-7.

[67] European Parliament Resolution P7_TA(2011) 0239 of 12 May 2011 on the cultural dimensions of the EU's external actions.

[68] For details see Commission, *Preparatory Action for Culture in External Relations*, ec.europa.eu.

[69] Y.R. Isar, R. Fischer, D. Helly, G. Wagner, M. Schneider, Y. Smits, *Preparatory Action "Culture in EU External Relations". Engaging the World: Towards Global Cultural Citizenship*, 2014, ec.europa.eu, p. 87.

that operate in parallel to governments".[70] They also included setting up a "coordination mechanism within the European External Action Service (EEAS) [the Union's diplomatic service] that could work across all the European Commission directorates concerned, communicating and liaising with governmental and non-governmental stakeholders as well as with civil society".[71] The Commission was further invited to consider attributing a coordinating role to the European Union National Institutes of Cultures (EUNIC),[72] which since 2006 had been providing a platform for cooperation between the cultural institutes of the Member States.

In response to the Council's request,[73] the Commission and the High Representative of the Union for Foreign Affairs, with a joint Communication in 2016, "Towards an EU strategy for international cultural relations", presented their position on a "strategic approach to culture in external relations".[74] The Communication identified strategic objectives for cultural cooperation with third countries (i.e. supporting culture as an engine for sustainable social and economic development; promoting culture and intercultural dialogue for peaceful inter-community relations; and reinforcing cooperation on cultural heritage) and made clear that the Union's role should be that of an "enabler".[75] Through coordinated action, the EU should allow relevant stakeholders to join forces: "government at all levels, local cultural organisations and civil society, the Commission and the High Representative (through EU Delegations in third countries [run by the EEAS]), Member States and their cultural institutes".[76] With the understanding that cultural external relations unfold with the engagement and support of state governments but also beyond them, a set of coordination mechanisms, implicating a wide range of actors, were suggested, including cultural focal points in EU delegations and enhanced cooperation between EU Member States, their national cultural institutes and EU delegations.

Focal points for culture, established within the EEAS network of EU delegations, engage with Member States to explore potential for "European" cultural actions in third countries.[77] Moreover, in May 2017, an Administrative Arrangement was signed between the EEAS, the Commission services (including DG EAC) and EUNIC for the development of "a concerted approach to international cultural relations", which should build

[70] *Ibid.*, p. 116.

[71] *Ibid.*, pp. 11 and 113.

[72] *Ibid.*, p. 14.

[73] See Council Conclusions on Culture in the EU's External Relations with a Focus on Culture in Development Cooperation.

[74] Joint Communication JOIN(2016) 29 of 8 June 2016 from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, Towards an EU Strategy for International Cultural Relations.

[75] *Ibid.*, p. 4.

[76] *Ibid.*, p. 12.

[77] D. HELLY, *Europe's Enabling Power: An EU Strategy for International Cultural Relations*, in *College of Europe Policy Brief series*, no. 2, 2017, www.coleurope.eu.

on regular coordination meetings, the development of cultural relations strategies and the undertaking of joint cultural activities to test forms of collaboration on the ground.[78]

Evidently, policy coordination in the field of international cultural relations takes subtle forms and it is not far-reaching or complex. Still, international cultural relations represent a field where Member States have agreed to engage in some form of policy coordination, on the basis of shared objectives and common working methods, even if policy coordination is ultimately performed in a multi-actor setting that extends beyond state governments. Here again, a "cooperation" rationale has been endorsed, in line with Art. 167, para. 3, TFEU, which states that the "Union and the Member States shall foster cooperation with third countries and the competent international oganisations in the sphere of culture". It is worth noting in this context that policy coordination in the area of international cultural relations lacks not only conventional OMC tools such as benchmarking, the use of indicators and peer review but also working groups and expert committees that meet to exchange information and good practice. Instead, other coordination instruments are used such as assigning staff members in EU delegations to reach out to the Member States for cultural purposes and the conclusion of administrative agreements between the Commission and representative bodies of Member States' cultural institutes. This demonstrates a proliferation of "cooperative" forms of policy coordination in the EU.

Having said this, outside the framework of the EU's cultural policy, there are processes with a strong cultural dimension that mirror the OMC as a framework for policy coordination. An example is the 2011 Commission Recommendation on the digitisation and accessibility of cultural material and digital preservation.[79] Adopted on the basis of Art. 292 TFEU, as part of the implementation of the Digital Agenda for Europe,[80] the Recommendation addresses various policy areas related to digitisation, such as the organisation and funding of Member States' digitisation activity, the digitisation and online accessibility of both public domain and copyrighted material, the development of Europeana (Europe's digital multilingual library, archive and museum) and digital preservation. The measures recommended to the Member States vary and include: planning and monitoring national digitisation activity, setting quantitative targets, diver-

[78] Administrative arrangement for activities to be developed by the European Union National Institutes for Culture (EUNIC) in partnership with the European Commission Services and the European External Action Service, eeas.europa.eu.

[79] Commission Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation. This Recommendation follows a 2006 Commission Recommendation on the same topic, which requested the Member States to inform on its implementation through national reports. See Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation.

[80] Communication COM(2010) 245 final/2 of 26 August 2010 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on A Digital Agenda for Europe.

sifying and expanding funding sources through public-private partnerships and the use of the Structural (and Investment) Funds,[81] optimizing digitisation capacity by pooling digitisation efforts and promoting cross-border collaboration, improving access to digitised public domain material and its widest possible re-use for non-commercial and commercial purposes, ensuring that Member States' public domain masterpieces become accessible through Europeana by 2015, and reinforcing strategies for long-term preservation of digital cultural material.

The Recommendation provides for a system of reporting on the measures taken by the Member States toward implementation. Reporting takes place on a bi-yearly basis through national reports, which detail the measures adopted in connection to the Recommendation (and in connection to the Council conclusions of 10 May 2012, which set an indicative roadmap for priority actions for national authorities).[82] Member States' reports feed a Commission progress report, drafted by DG for Communications Networks, Content and Technology (CONNECT). Notably, DG CONNECT is assisted in its monitoring task by the Expert Group on Digital Cultural Heritage and Europeana (DCHE).[83] This expert group, which consists of Member States' representatives, meets twice a year with the purpose, besides offering policy advice, to review Member States' digital cultural heritage policies, and provide a forum for the exchange of information and best practices concerning Member States' policies and strategies on digitization, online accessibility of cultural material and digital preservation.

A similar coordination process was launched on the back of the 2005 European Parliament and Council Recommendation on film heritage and the competitiveness of related industrial activities.[84] Adopted on the basis of Art. 173 TFEU (industry), this Recommendation has sought to improve the conditions of conservation, restoration and exploitation of film heritage and at the same time remove obstacles to the development and competitiveness of the European film industry. Recommended measures included, amongst others, the systematic collection of cinematographic works, their cataloguing and indexing, preservation and restoration measures, making deposited works accessible for educational, cultural, research or other non-commercial uses of a similar nature in compliance with copyright and related rights, the promotion of professional training in fields of film heritage, the designation of bodies for carrying out relevant tasks, and their support for the purposes of exchanging information and coordinating their activities at national and European levels.

[81] For details see Commission, *European Structural and Investment Funds*, ec.europa.eu.

[82] Council Conclusions of 10-11 May 2012 on the Digitisation and Online Accessibility of Cultural Material and Digital Preservation.

[83] Commission Decision C(2017) 1444 of 7 March 2017 setting up the Expert Group on Digital Cultural Heritage and Europeana, ec.europa.eu.

[84] Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities.

The Recommendation urged Member States to inform the Commission every two years of the measures taken in response to its provisions. DG CONNECT monitors progress and considers the need for further action through "implementation reports". It also facilitates the exchange of good practices in the context of the Cinema Expert Group (and particularly its sub-group on film heritage), which brings together national ministries responsible for film heritage issues, film archives and museums as well as other relevant institutions.[85]

The coordination processes discussed do not formally appear as "OMC" processes in EU related documents and they are more demanding than the cultural OMC. For one thing, they involve reporting on national measures, and monitoring and evaluation through dedicated Commission reports and in cooperation with expert groups established for policy advice and review. The configuration of the coordination process on digital heritage has to be seen in the light of the TFEU Article that provides the legal basis for its founding act. Art. 173 TFEU contains a provision that specifically refers to coordination and also describes the main features of the OMC but without qualifying them as such. Art. 173, para. 2, TFEU states: "The Member States shall consult each other in liaison with the Commission and where necessary, shall coordinate their action. The Commission may take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation [...]".

The Recommendation on the digitisation and accessibility of cultural material and digital preservation, which is based on Art. 292 TFEU, was adopted under the framework of the Digital Agenda for Europe. This brought together a range of EU policies in order to "maximize the social and economic potential of [Information and Communication Technologies] ICT",[86] but those most relevant for the Recommendation appear to be the EU's industrial policy (Art. 173 TFEU) and the internal market (Art. 114 TFEU). Whereas Art. 173 TFEU refers to key elements of the OMC, as already mentioned, nothing precludes the European institutions from creating coordination processes which are similar to the OMC and which are not called "OMC" in areas of shared competence (such as the internal market). Such "OMC-like processes" have in fact been used as a complement to EU legislative standards in areas of shared competence or as a possible route forward where political agreement on binding rules proved impossible.[87] Relevant coordination processes can touch upon culture, given its transversal policy relevance

[85] Established pursuant to Communication COM(2001) 534 of 26 September 2001 from the Commission on certain legal aspects relating to cinematographic and other audiovisual works. For details see ec.europa.eu.

[86] Communication COM(2010) 245 final/2, cit., p. 3.

[87] On this see, G. De Búrca, J. Zeitlin, *Constitutionalising the Open Method of Coordination: What Should the Convention Propose?*, *CEPS Policy Brief*, no. 31, 2003, www.ceps.eu, p. 1.

and the duty of the Union, laid down in Art. 167, para. 4, TFEU, to "take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures". "Action" is a substantially broad term that can encompass coordinating action.

VIII. Conclusion

The cultural OMC is a "light", flexible OMC, based on Member States' cooperation, which forms part of the larger governance architecture of the EU in the field of culture. Through the cultural OMC, Member States cooperate to exchange knowledge and experience on topics of mutual interest. The process does not commit the Member States to a shared cultural project and it does not exert pressure on domestic authorities for policy convergence. In fact, it is not defined by any tool or procedure, which could be viewed as reducing Member States' autonomy in formulating and implementing cultural policy. Rather the cultural OMC seeks to make the most of the diversity of ways the Member States devise and conduct cultural policy by identifying good practice and by formulating related policy suggestions. This does not exclude impact on Member States' policies but any such impact originates in selective and elective learning enabled by the process.[88]

Despite initial reticence in the Council and following an experimental and a streamlining phase, the cultural OMC should currently be seen as an entrenched, well-established process. The solid position it has gained in EU cultural policy-making has favoured the creation of links to other cultural policy instruments and processes – an element which arguably strengthens the coherence and consistency of EU cultural action. The process currently unfolds with an instrumental vision, which is mainly attributed to the socio-economic gains that cultural activity can yield. EU cultural policy has gradually endorsed an instrumental approach to culture, in view of the latter's potential to make a major contribution to the Union's economic and social agenda. Such an instrumental approach has permeated the cultural OMC and could become even stronger in the future.

Indeed, one should not underestimate the impact that the current debate on the future of Europe may have on culture as a policy area in general and on the cultural OMC as a cultural policy process in particular.[89] Culture stands side by side with education among the work strands of the seminal *Leaders' Agenda*, which was endorsed by the European Council on 20 October 2017 to guide discussions on ongoing challenges

[88] On this see E. Psychogiopoulou, *The Cultural Open Method of Coordination: A New Boost for Cultural Policies in Europe?*, cit., p. 264 *et seq.*

[89] See Commission, *White Paper on the Future of Europe, Reflections and Scenarios for the EU27 by 2025*, COM(2017) 2025 final.

facing the EU.[90] In underlining the importance of both education and culture for competitiveness, and the inclusiveness and cohesion of European societies, the education and culture note of the Leaders' Agenda pointed to the "important supporting and coordinating role" that the EU can play in these areas.[91]

The Commission's recent Communication, "Strengthening European identity through education and culture", has taken the position that "the reflection about the future of Europe also entails a reflection on the strength of [Europeans'] common identity".[92] Adopted in order to foster and stimulate debate in the European Council, the communication presented the Commission's vision of Europe for 2025 as a continent in which people should have "a strong sense of their identity as Europeans, of Europe's cultural heritage and its diversity".[93] Proposals for measures in this direction included "revamping and strengthening the European Agenda for Culture", the backbone of the cultural OMC.[94] The Commission's Communication sent a strong political message that education and culture could be bundled together for addressing and coping with key challenges affecting Europe, from digitization and technological progress, to the need to fight unemployment, combat poverty and social exclusion, promote a resilient economy, integrate a culturally diverse migrant population and prevent populism, xenophobia and violent radicalization.

The European Council Conclusions of 14 December 2017 do not expressly refer to the European Agenda for Culture and its "revamping".[95] However, they do note the importance of culture for "bringing Europeans together and building [a] common future".[96] There is accordingly strong political will to enhance EU cultural action, in support of European integration, especially through measures that harness the potential of culture as a driver for jobs, social justice, active citizenship and cultural belonging. The renewed attention on the significance of culture for the European edifice may significantly affect the policy focus of the cultural OMC, consolidating topics that underscore an instrumental understanding of culture, in light of its economic, social, societal and ultimately political relevance.

Of course, it is one thing to strengthen the instrumental mindset of the cultural OMC. It is quite another to introduce strict elements into its architecture. At the mo-

[90] European Council, *Leaders' Agenda, Building our Future Together*, October 2017, www.consilium.europa.eu.

[91] European Council, *Leaders' Agenda, Education and Cultur*e, November 2017, www.consilium.europa.eu.

[92] Communication COM(2017) 673 final of 14 November 2011 from the Commission, *Strengthening European identity through education and culture. The European Commission's contribution to the Leaders' meeting in Gothenburg, 17 November 2017*, p. 2.

[93] *Ibid.*, p. 11.

[94] *Ibid.*, p. 10.

[95] European Council Conclusions of 14 December 2017.

[96] *Ibid.*

ment, there are no grounds to assert that any changes in the design and operation of the cultural OMC would result in more exacting procedures, undermining the "cooperation" rationale of the process. The adoption of cultural benchmarks and indicators remains a highly contentious issue for the Member States where the introduction of peer-review and Member States' monitoring and evaluation continue to be barred from discussions on possible modifications to the process. This is despite the fact that the Member States have accepted more rigorous forms of coordination in other culture-related fields (as shown by the processes established in the fields of film heritage, digitisation, accessibility of cultural material and digital preservation) and they have even agreed to experiment with novel forms of coordination, as exemplified by the processes launched in the domain of international cultural relations.

The preceding analysis actually shows that there are a variety of coordination processes in the field of culture: a cultural OMC, which has become a key instrument for Member States' cultural cooperation, a coordination process in the field of international cultural relations which does not borrow from the conventional OMC mechanisms, and coordination processes in policies other than culture that relate to culture and employ certain OMC features but without being labelled "OMC". None of these processes include working methods and procedures that go as far as to demand policy convergence, constraining national cultural policy-making. Despite variation in their constitutive features and the degree of the policy guidance they generate, processes generally remain of a "soft" nature. This is in accordance with the nature of the EU's cultural competence as a complementary competence, the EU's duty to respect its rich cultural diversity, laid down in Art. 3, para. 3 TEU, and the fact that the EU needs to integrate a cultural diversity rationale in its action overall, as required by Art. 167, para. 4, TFEU.