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## **Regulation and management of cultural services sphere in the European Union**

*This article conducts a comprehensive examination of European policies, legislative frameworks, and institutional structures related to culture, creative industries, and heritage that started in 1970 when the European Community was founded. It explores how these elements collectively aim to foster a supportive environment that nurtures the growth of creative industries in the Organization. Additionally, the article highlights the importance of cultural diversity and intercultural dialogue for the development of CI within the EU. By analyzing policy outcomes, the article underscores the critical impact of these efforts on both the economy and social cohesion, emphasizing the role of collaborative projects that unite different cultural backgrounds and creative practices. Due to the latest joint strategies and agendas, the engagement of civil society and professional organisations is essential in developing and executing an all-encompassing cultural policy for Europe. Their participation guarantees that the ambitious plans are achievable and practical, promoting significant social transformation throughout the region.*

*Keywords: cultural services, EU legislation, creative industries, culture.*

**Problem Formulation.** The intensification of European integration processes, particularly the start of negotiations on Ukraine's accession to the European Union, requires our state to profoundly transform many spheres, including culture. Adapting the national system of management, financing, and functioning of cultural services to European standards is an urgent task. This issue is particularly relevant in the context of a full-scale war, as culture plays a crucial role in preserving national identity, consolidating society, and healing social wounds by [specific ways culture contributes to these aspects during the war.

European cultural policies aim to create a favorable environment for the development of creative industries and support cultural diversity and intercultural dialogue. Implementing these principles in the Ukrainian context allows us to integrate our country into the European cultural space. It can significantly contribute to restoring and developing cultural potential, especially in regions affected by the war. This integration offers a beacon of hope for the future of Ukrainian culture.

Researching EU legislation in the field of culture is not just a step, but a crucial necessity to develop effective strategies for adapting Ukrainian legislation and practices to European standards. Such research will allow identifying both the opportunities and challenges associated with European integration in the field of culture and developing recommendations for policymakers, cultural managers, and other stakeholders. In particular, it is crucial to delve into the experience of EU member states in financing culture, managing cultural heritage, developing cultural industries, and integrating culture into regional policy, as this can provide valuable insights for our own adaptation process.

**Analysis of recent research.** Research on European policies, common legislation, and management practices within the realms of culture, creative industries, and cultural heritage has become a prominent study area for numerous scholars in Ukraine and abroad. A significant body of work has been produced by Ukrainian researchers such as O. I. Kotlyar, I. I. Marinyv, O. Ya. Trahnyuk, and V. O. Shulga, who focus on the intricate processes involved in fostering cooperation among European Union member states regarding the protection of cultural heritage.

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Additionally, Shostak V. M. has delved into the alignment and compatibility of cultural policies between Ukraine and Europe, providing valuable insights into how these strategies interact. Meanwhile, M. A. Mysevych and T. V. Didkovska have examined various models and practices of cultural management employed across the European Union and its member states, shedding light on effective approaches and innovative frameworks used in the sector.

Furthermore, several international scholars have contributed significantly to this discourse. Notable figures, including T. Lähdesmäki, K. Mäkinen, V. L. A. Čeginskas, S. Kaasik-Krogerus, P. Gilen, Leister T. De Vries, G. A. Derado, J. Rius-Ulldemolins, A. Pizzi, and J. A. Rubio Arostegui, have explored different dimensions of cultural policy, heritage management, and the creative industries, enriching our understanding of these interconnected fields. Their research emphasises the importance of cross-border collaboration and the development of coherent policies to address the challenges faced in cultural heritage protection and creative sector advancement within the European context.

However, there are still some research gaps in the area European policies, common legislation, and management practices within the sphere of culture, creative industries, and cultural heritage. Today it is vital to systematize European experience to implement it in Ukrainian practice and laws.

**The paper purpose** is to examine and articulate the essential organizational and legal frameworks that shape cultural governance within the European Union. This encompasses an analysis of the *acquis communautaire*—the body of common rights and obligations that bind EU member states—and the overarching policies that guide cultural initiatives in the region. Understanding of mutual rules and practices within EU about CCI will help to develop the sphere of cultural services as a part of regional economies in the context of European integration.

**Major research findings.** Culture has always played an essential role in the development of the EU. Since the 1970s, during the activities of the European Community, specific steps have been taken towards joint regulation of this sector. Implemented documents viewed culture as a means of fostering a greater sense of belonging and solidarity among Europeans, assigning the sector a unifying role based on shared values. The Maastricht Treaty of 1992 made culture an official area of Community action. All Community and later Union cultural policies and programs aimed to create a sense of belonging so that citizens of member states would perceive the EU as a cultural and social community close to them and their concerns rather than as a distant economic and intergovernmental organization [1].

According to Article 167 of the Treaty on the Functioning of the European Union, the EU's role in the cultural sphere is to support, coordinate, or complement the actions of member states. Individual member states conduct their own cultural policies, while the EU helps address common challenges. The EU can also assist these sectors in recovery during a crisis and enhance their resilience to make them more stable in perspective.

In 2022, the EU approved a new Work Plan for Culture for the period 2023-2026, which defined four primary areas of development: a) artists and cultural workers, empowering the cultural and creative sectors; b) culture for people: enhancing cultural participation and the role of culture in society; c) culture for the planet: unlocking the potential of culture, and d) culture for creative partnerships: strengthening the cultural dimension of the EU's external relations. For each area, 21 actions have been outlined for the European Commission, member states, and the countries presiding over the Council of Europe. A holistic approach has been set as fundamental to implementing the Plan, aimed at supporting existing cross-sectoral synergy, promoting policy coherence, and facilitating mutual learning.

Furthermore, flexibility in implementing the Work Plan is emphasised, as actions must respond to the sector's current and future changes and challenges [2].

The EU's policy involves extensive engagement of professionals, civil activists, and industry experts in forming and implementing action plans. The pan-European cultural development strategy underscores the importance of cross-sectoral connections and the need for cooperation among specialists from various fields to achieve results. Additionally, there is a strong emphasis on continuous learning for all professionals and developing skills necessary for working in the dynamic environment of culture and creative industries.

The New European Agenda for Culture was adopted in 2018, setting out the main strategic directions (dimensions) for the sector's development (Fig. 1).

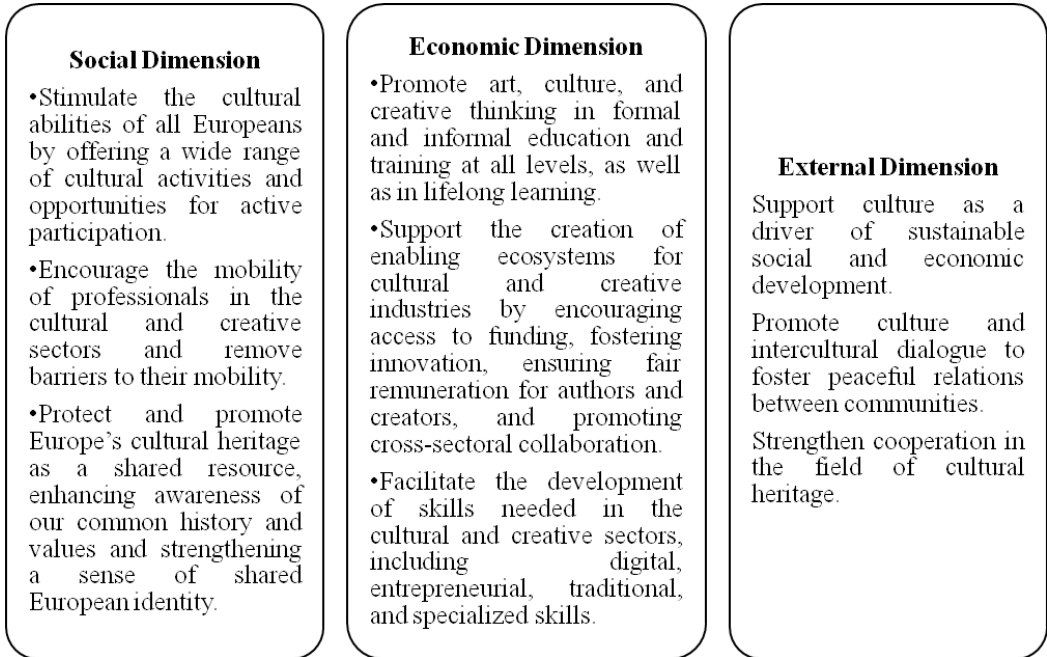


Fig. 1. Strategic Directions for Cultural Development in the EU

*Source: Compiled by the author.*

In 2018, the European Framework for Action on Cultural Heritage was also adopted for the first time [3], thus dividing the efforts in managing and funding the cultural sector into two directions: the area of creation and provision of cultural products (goods and services) and the field of cultural heritage. This differentiation does not restrict cultural institutions' access to development programs and funding sources. Still, it may better address the specialised issues cultural actors, managers, creators, and researchers face. The EU also addresses explicitly the audiovisual arts, particularly the film industry (in 2018, the Audiovisual Media Services Directive was updated, which had initially appeared in 1989). Significant attention is paid to copyright protection, especially in the digital environment, and ensuring the accessibility of media products from member states across the EU.

Due to the complex European bureaucracy and mandatory legal acts that must be implemented, member states must follow non-binding acts such as recommendations, conclusions, studies, and other planning documents from pan-European institutions when shaping their cultural (or any other) policies.

In the context of pan-European support for the functioning and development of the cultural sector, attention must be paid to the supranational system of governance and funding, as national structures vary among member states.

The European Council and the Council of the EU (Council of Ministers) are vital participants in the EU's decision-making process. The European Council sets the political direction and priorities of the EU, while the Council of the EU reviews and adopts EU legislation and negotiates and coordinates Union policies. The Council of the EU also works closely with the European Commission and the European Parliament. Legislative power is exercised jointly by the Council of the EU and the European Parliament, while executive power is shared by the Council of the EU and the European Commission [4].

The European Commission (EC) carries out its activities according to strategic documents in the field of cultural cooperation, as well as its priorities established for the specific term of office of the Commission. To ensure the recognition of culture's social and economic role within the broader policies and actions of the EU, the Commission works on many critical issues. It also ensures that the complex nature of the cultural and creative sectors is reflected in the relevant EU legislation. The Commission helps member states mitigate the negative consequences of crises and challenges where a coordinated response from the organisation could be beneficial. A Commissioner responsible for the cultural and creative sector within the EC is appointed. The Directorate-General for Education, Youth, Sport, and Culture (DG EAC) is the Commission's department responsible for culture. It promotes activities at the EU level in this field, develops policies based on collected data and facts, and manages the Creative Europe program. Other departments of the Commission working on cultural and creative sector-related issues include the Directorate-General for Communications Networks, Content, and Technology (DG CONNECT), the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), and the Directorate-General for Research and Innovation (DG RTD). Furthermore, issues related to culture are also covered in a number of other policies and programs implemented under the auspices of other Commission departments, particularly in employment and local and regional development sectors. The Commission is accountable to the European Parliament and, in the area of culture, to its Committee on Culture and Education.

It is important to note that the European Commission (EC) significantly emphasises developing culture and creative industries, including the audiovisual sector and heritage, at the regional and local levels within the EU. To support this, a range of programs are in place to fund projects in the cultural sector, promote pan-European cooperation for the development of local cultural policies, foster mutual learning and skill enhancement, and collect data and measure the impact of culture at the local level.

The funding system for cultural projects is structured in such a way that all types of organisations can participate in the programs, which are divided into six categories: educational institutions, public, non-profit organisations, private and public cultural foundations and institutions (such as libraries, museums, archives, galleries, churches, etc.), private organisations, including self-employed individuals, public services and officials (local, regional, and national authorities), and social enterprises. Funding is provided for 12 types of actions or projects: audience development, artistic creativity, artistic and cultural mobility and residencies, entrepreneurial and managerial skills development, creative and technical skills development, digitalisation and new business models, financing direct costs, financing business scaling or expansion, entry into new markets, product, service, or infrastructure development, networking and knowledge dissemination, research, development, and innovation.

A critical factor in implementing EU cultural policy and the sustainability of the entire sector is the functioning of numerous non-governmental or civil society organisations, associations, trade unions, and others. On the one hand, civil society organisations ensure broader access to cultural services. At the same time, professional and sector-specific unions represent the industry's voice in developing policies, strategies, and programs at various levels, protecting the interests of sector workers, and improving intra-sectoral and inter-sectoral exchange of experience and best practices. According to S. Druzhynin, «representatives of civil society demonstrate their value as facilitators, organisers, innovators, as well as service providers and advocates» [5].

It is widely accepted at the EU level that «NGOs can bring knowledge and independent expertise into the decision-making process, as well as public trust in raising issues, representing their interests, and involving them in participation processes, thus making a decisive contribution to policy development. All levels of engagement are encouraged – from simply providing information to consultation, dialogue, and finally, partnerships between NGOs and public authorities» [6].

An important area of strategic development for the EU is the increased use of culture in international relations. There are two approaches regarding the role of culture in the EU's external activities: cultural diplomacy and international cultural relations. The difference is that cultural diplomacy relies on mobilising culture to activate soft power for political influence, while international cultural relations aim to promote culture to achieve consensus and shared knowledge on the international stage based on argumentation [7]. It is noted that the key functions of cultural diplomacy include creating a positive image of the country globally; developing bilateral relations; spreading political influence; promoting economic development and access to new markets; disseminating information about national cultural and artistic activities, cultural institutions; promoting language, art, and cultural heritage; preventing conflicts or mitigating their consequences [8].

At the EU level, the EU's International Cultural Relations Strategy was adopted in 2016, followed by the launch of the Cultural Diplomacy Platform program for its implementation. In 2019, the Council took the next step by adopting Conclusions on the EU's strategic approach to international cultural relations and establishing a framework for action. Implementing the recommendations from these documents and the accompanying action plans is mandatory for Member States. The European National Institutes for Culture (EUNIC) was also created – a network of organisations dealing with cultural relations, including institutions from all EU Member States and associated countries.

European countries, such as France, Germany, and Spain, have long actively used their cultural institutions (Alliance Française, the Goethe Institute, and the Cervantes Institute, respectively) as international relations and public diplomacy instruments. Until recently, the UK, a former EU member, also had one of the world's most potent «soft power» institutes – the British Council. These organisations operate in numerous countries worldwide, spreading the ideas and principles of their respective states and the EU through cultural products [9].

**Conclusions.** In summary, it is essential to emphasise that culture is crucial for social cohesion, economic growth, and foreign policy within the European Union and its Member States. This significance is reflected in official documents and the well-established systems for financing cultural development. The active participation of civil society and professional associations is instrumental in shaping and implementing a comprehensive pan-European cultural policy. Their involvement ensures that the ambitious work plans are attainable and realistic, fostering meaningful social change across the region. In stark contrast, Ukraine

faces challenges in this area, as numerous aspects of its declared strategy and action plans remain unrealised, highlighting a gap between intention and execution.

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**Войтенко О. А. Регулювання та управління сферою культурних послуг в Європейському Союзі.**

*Сфера культури від моменту започаткування загальноєвропейської спільноти була важливим чинником розвитку організації. Цій галузі відводилася роль об'єднаної чинника, що демонстрував би громадянам країн-членів, що ЄС – це не лише про економіку та політику, а про спільні цінності, погляди та пріоритети. У статті розкрито, як і чому культура відіграє значну роль у формуванні ідентичності Європи, допомагаючи зміцнити зв'язки між народами та сприяючи міжкультурному діалогу. Договором про функціонування ЄС визначено, що його роль у сфері культури полягає в підтримці, координації або доповненні дій держав-членів, а також у допомозі культурно-креативним секторам у відновленні в разі настання кризи. За десятиліття в ЄС напрацювали значну регуляторну базу та створили ефективні механізми управління, холістичний підхід яких забезпечує гармонійний розвиток усіх складових культурно-креативних індустрій, збереження культурної спадщини й посилення ролі культури в дипломатичних процесах і соціальній когезії. У межах цього процесу культурні програми, такі як «Європейський рік культурної спадщини», програми «Новий Баухаус» чи «Креативна Європа», сприяють обміну ідеями та досвідом, а відтак і зміцненню соціальних зв'язків між різними культурами всередині та поза межами ЄС. Для України важливо імплемувати не лише законодавство *acquis communautaire* у сфері культури, але також і менеджерський досвід органів влади. Вивчення підходів до крос-секторної взаємодії, які успішно реалізуються в ЄС, може стати ключем до більш ефективного управління культурними послугами в нашій країні. Застосування різноманітних фінансових інструментів, таких як гранти, субсидії та інвестиції, забезпечить підтримку культурних ініціатив і сприятиме розвитку креативних індустрій. Таке регулювання не лише сприятиме зростанню культурних послуг, але й допоможе Україні інтегруватися в європейське культурне середовище та зміцнить її позицію на міжнародній арені.*

*Ключові слова: культурні послуги, законодавство ЄС, креативні індустрії, культура.*

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