

**The European Union's "Television Without
Frontiers" Directive and AVMS Directive:**

**A step closer to the creation of a common cultural
space**

Sofia Nogués Segura
24th of May 2013
Audiovisual Communication 12/13
Professor Stijn Joye

Thesis: European Union's "Television Without Frontiers" Directive and AVMS Directive: a step closer to the creation of a common cultural space.

Abstract

All member states of the European Union differ greatly in terms of media trends and history but they share values and an every day more important space. With the growth and strengthening of this European space, the European Union insists on having a common Directive in charge of regulating certain aspects of the media in order to provide a common culture.

The EU plays an important role in television policy with actors such as the "Television Without Frontiers" Directive now known as the AVMS Directive. These provide the member states of the EU with a common set of rules and regulations in the field of the media. In this paper, the main issues for the "Television Without Frontiers" Directive and the AVMS Directive will be presented thoroughly. Once introduced and explained, the focus will be centered on how these regulations have an effect on the construction of a common cultural space in Europe and this will be argued with the support of several academic references studied.

Through the analysis of several scholars' theories regarding the EU Media and its efforts in the building of a common cultural space, some conclusions will be drawn up. These theories will expose issues like the internal fragmentation within the EU, the threat of U.S.A production influencing and hogging European culture, and the attempts to create a European Public Sphere, among others. By analyzing these issues, it's made clear that creating a common cultural space characterized by uniformity would be an impossible task, thus the promotion of diversity and tolerance through the media within the coexistent nations should be a priority.

Introduction

In this paper, the role of the Television without Frontiers and the Audiovisual Media Service Directives in the building of a common cultural space in Europe will be studied. In order to approach this topic, the work of several scholars on the European Union's media policy, the Treaties regarding culture and media, the Television without Frontiers and Audiovisual Media Service Directive, the threats of foreign audiovisual production, and the European public sphere will be analyzed.

The aim of this paper is to present the ongoing efforts of the European Union in creating a common cultural space among Member States through the media. In order to achieve this, the EU has undertaken many projects that will be exposed along the paper. Furthermore, the theories of authors such as De Smaele, Sarikakis, Hendriks, Curwen, McPhail or Gripsrud on this topic will be shredded carefully and exposed in detail.

This study's relevance lies in the sociological pattern that is observed in the European Union regarding the construction of a common cultural space. The efforts made by the EU and its project to achieve this aim through the media awakens many different opinions but some facts aren't refutable. Although the goal might seem utopian, the EU is achieving a broader share of European productions within the territory rather than promoting the consumption of foreign productions, which are most likely to inculcate foreign values.

This paper will present a brief history of the European Union and its first steps towards the confection of the EU Media Policy. In the later part of the paper, the projects promoted by the EU regarding the media panorama will be exposed in detail. Furthermore, there will be a part dedicated to the Television without Frontiers and the Audiovisual Media Services Directives.

The core of the paper will present the analysis of different theories by several authors regarding the role of the EU, and especially the Television without Frontiers and the Audiovisual Media Services Directives roles in the construction of a common cultural space in Europe. Once these theories are exposed, a last part of conclusions will resume the previously exposed and will present a set of highlights extracted from the analysis undertaken.

The European Union

In 1946 there was an inconceivable devastation throughout Europe. The cause leading to this effect was the Second World War, which lasted from 1939 to 1945. World War II was the climatic point of the extreme nationalistic movements that had been growing without measure throughout Europe for over a decade (Deák, 2000). After putting an end to most of these movements with the German unconditional surrender and the Japanese surrender, which represented the end of World War II (Butow, 1954), Europe moved towards liberal and integrated forms of government.

One of the most important elements that lead to the unification and integration of Europe was the creation in 1952 of the European Coal and Steel Community (ECSC). Belgium, France, Italy, Luxembourg, the Netherlands and West Germany were the six nations that composed this international organization (Gillingham, 1995). In 1957, these countries signed the Treaty of Rome, which led to the creation of the European Economic Community and the Euratom Treaty, which enabled the creation of the European Atomic Energy Community. These three organizations became the European Community after the signing of the Maastricht Treaty in 1992 (Watts 2008, 17-19).

With the Maastricht Treaty of 1992 the European Union (EU) was also born (Dedman, 1996, 83-109). The EU is nowadays an economic and political space composed of 27 member states with several supranational institutions (Europa.eu). The three basic pillars that constitute the EU are the European Communities (EC), the Common & Foreign Security Policy (CFSP) and the Police and Judicial Co-operation in Criminal Matters (PJC) (Kent 2008, 11-12). With the signing of the Treaty of Lisbon in 2007, the EU's constitutional basis was reinforced by amending the Maastricht Treaty and the Treaty of Rome. The Lisbon Treaty entered into force December 1st 2009, establishing a consolidation of the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) (Piris, 2010).

Within the TEU and the TFEU, several of its constitutional Articles on different matters can be highlighted. Regarding the economic panorama of the European Union, the following articles can be highlighted among others on this same matter.

The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. (Article 3.3. TEU)

The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties. (Article 26. TFEU)

These resolutions found in the articles of the TEU and TFEU presented a strong and ambitious growth project. The removal of internal frontiers suggested in Article 26 presents an opportunity to broaden trade among nation-states and to facilitate the movement of persons, giving them more freedom and chances within the European territory.

On the other hand, the TEU and TFEU have several articles regarding cultural diversity and values that should be respected, upheld and promoted within the European space. This is the case with the following articles.

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (Article 2. TEU)

In relation to this article, Article 3.5 of the same document states that "[i]n its relations with the wider world, the Union shall uphold and promote its values and interests" (Article 3.5. TEU).

In this same line, the TFEU establishes that the EU "shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States" such as culture, tourism, civil protection and education, vocational training, youth and sport, among others (Article 6. TFEU).

Article 167 of the TFEU also points out the importance of diversity and culture within the EU by stating as follows.

The 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 fore. (Article 167.1. TFEU)

Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: improvement of the knowledge and dissemination of the culture and history of the European peoples, conservation and safeguarding of cultural heritage of European significance, non-commercial cultural exchanges, artistic and literary creation, including in the audiovisual sector.(Article 167.2. TFEU)

Therefore, there is a strong effort on behalf of the European Union to build a strong liberal and democratic nation, in which cultural values are greatly promoted and protected. Although this might sometimes seem a little utopian, the EU does attempt to guarantee a stable economy and the promotion of a common cultural space through the creation of different organisms and laws.

The EU Media Policy

Throughout history, the media have played a strong role in the building of nations and its cohesion, therefore, in order to build a strong and well-established European space, the EU had to take forth a project to create a common Media Policy. It was not until the nineteen-eighties when the White Paper on Growth, Competitiveness, and Employment with a section dedicated to the audiovisual sector was set forth in Brussels, that the European Community was concerned about broadcasting integration and media regulation (European Council, 1994). The audiovisual and media sectors started to be considered to be "the means by which a European identity and citizenship could be forged" (Goldberg et al. 1998, 10) and thus became a relevant matter for the EC.

Before the European Community woke up to see that media were a relevant sector that they had to take into account, there were organizations that attempted to regulate the media sector in the European space. In 1950, the European Broadcasting Union set up by public service broadcasters was already functioning as an instrument that established an optimum exchange of news and programming (McPhail, 2010). Although this European Broadcasting Union covered the needs of the new European

common media space, seeing that this sector compelled a great part of the internal market of the EU, the EC took over. It was thought that "[t]he dissemination of European information by European public TV and the watching of television programs in common would [...] create and foster a sense of being European and thus European unity" (Goldberg et al. 1998, 10) but behind this argument of regulation, as some authors state, there was a political rationale and not so much an economic or cultural intention (Goldberg et al. 1998, 10).

Therefore, the idea of creating a common media space seemed to be a good opportunity to promote diversity and to create a feeling of union between the members of the EU, but it could also represent a threat if it were to finally be a tool to politicize people.

In all cases, the new concern of the European Union in the field of the media grew on one hand from the changing panorama of satellite and cable retransmission. In order to establish a uniform market in these areas of retransmission, the EU aimed to abolish national restrictions, this leading to equal access for all residents to EC broadcasts (Humphreys, 2008, 231). On the other hand, the EU's growing concern for media policy came from the desire to create a strong common market that could compete with the United States' production and distribution of media (Goldberg et al. 1998, 10). These two main goals classify as measures under Article 167 of the TFEU with the aim to protect and promote culture, but they have an ambitious economic base.

In order to go ahead with these two aims, the Council of Europe moved forward to promote instruments that would aid in the appliance of certain measures that would assure an equal access to EC broadcasts and would strengthen the common European production and distribution of media market. The first move was The Green Paper of 1984 (CEC, 1987) but between 1980 and 1984, several steps were taken towards a EU common television and cultural space. Reports such as the resolution of the European Parliament of 16 January 1981 on the information policy of the EC or the Hahn Report and Resolution on radio and television broadcasting in the EC of 1982, which promoted broadcasting laws within the Member States of the EU, aided in moving forwards towards a common European broadcasting space (Goldberg et al. 1998, 42-43). These reports and resolutions, as well as other earlier ones, lead to the confection of the Green Paper of 1984 on the establishment of the common market for broadcasting.

The Green Paper on the establishment of the common market for broadcasting promoted a freedom of transmission. Sustained by Article 10 of the European Convention on Human Rights on freedom of expression and the Treaty of Rome's resolutions on freedom to provide services within the European territory, this issue on transmission was a must in order to promote a flow of information and content. On the other hand, the Green Paper of 1984 dealt with program content, an issue strictly related to advertising issues (CEC, 1987). In order to regulate content, the Commission was willing to create a series of rules regarding radio and television broadcasting in Europe in order to protect minors and regulate in some ways the advertising on air. Therefore, it is of no surprise that the Commission decided to propose a common regulatory system regarding advertising in the EU territory (Castendyk, 2008, 643-648). These regulations included the restriction of advertising time, establishing rules regarding ads on tobacco or alcohol, or the transmission of advertisements from other Member States on certain dates (EU, 1984).

In order to entail the objectives of the Green Paper, there had to be certain support systems in the audio-visual sector, therefore the Measures to Encourage the Development of the Industry of Audio-visual Production (MEDIA) was put into practice (European Union, 1994). This set of measures had the intention of creating a common European market in the audio-visual sector, developing cross-border networks within the territory, encouraging the conservation of small cultures within each country, increasing the competence of the sector, and having some capital injected into the sector in order to promote its production (Goldberg et al. 1998, 51-52).

At the same time and in this same line, the European Convention on Transfrontier Television in 1989, which aimed to establish a legal framework in order to achieve an optimum circulation of television programs around the territory (Goldberg et al. 1998, 29); to break down the territorial frontiers that existed in the television panorama, was taking place. However, this was not the only aim of the Convention. There is also a set of principles that establish the rights of the audience and broadcaster. On the other hand, the European Convention on Transfrontier Television took a big step forward in the quest to compromising pluralism in the audiovisual sector, especially in cinema, which proves to be an opportunity to broaden this market sector and aim in the proliferation of productions (McPhail, 2010, 209). Regarding advertising, an issue that was later on picked up by the Television without Frontiers Directive, the Convention established certain rules that should be applied by all broadcasters. These rules' main concerns are the protection of minors in advertising, the daily transmission time, the honesty and fairness of these, and the placement between programs of advertisements, among others (EU, 1989).

Television without Frontier Directive and the AVMS-Directive

The developments in policy taken by the EU regarding the audio-visual sector were a step forward in the creation of a functioning European audio-visual space but they also constituted competition in the markets. The policies presented by the EU and specially the Green Paper on the establishment of a common market in broadcasting lead to the creation of the Television without Frontiers Directive (TwF-Directive). Although it was proposed in 1986, it wasn't until 1989 that this directive was adopted (Mazlish, 2005, 62-63).

The Television without Frontiers Directive's main objective was, in the same line as the media policies established up to 1989 by the EU, to allow the free circulation of television broadcasting around the European territory (McPhail, 2010, 209). This meant that the technological borders had to be broken down and there had to be a great encouragement of transnational services. On the other hand, the protection of minors and consumers as well as the protection of public health or the promotion of European production in the audio-visual sector were great concerns for the TwF-Directive (Hitchens, 2005, 173-196). Thus, on track with the Green Paper of 1984, the TwF-Directive constituted a big step in the confection of an organization that would be in charge of keeping in tone with the advances in the media and would guarantee a common audio-visual regulation in the EU.

Since technology was advancing rapidly in the late eighties and nineties, the Directive was submitted to revision occasionally. In 1995, the TwF-Directive was under revision in order to adapt to the innovations in the field of media (McPhail, 2010, 209). The Green Paper on audio-visual policy of 1994 served as a base to this 'check-up' of the Directive but so did the Commission's White Paper on Growth, Competitiveness and Employment (Goldberg et al. 1998). Therefore, the new TwF-Directive had a stronger economic character. This was due to the fact that it picked up some concerns taken into account by the Green Paper like for example the focus on development of the European film and program industry or the interest in new technologies in the audio-visual sector and liberalization as an opportunity for competition.

In 1997, the European Parliament and the Council Directive 97/36/EC amended the Directive 89/552/EEC and thus the new TwF-Directive came into force immediately (Ward, 2008, 147-157). This new Directive was supposed to reinforce the Member States' jurisdiction over broadcasters and increase the protection of minors, as well as introducing new rules regarding teleshopping (EU, 1997). Its amendments also regarded the introduction of the 'v-chip' or the broadcasting of sporting events, which with this directive gained much more relevance (EU, 1997).

After 1997, the TwF-Directive kept on functioning and it was the basic organism controlling and in charge of the regulation of the audio-visual panorama in Europe. After many revisions, in 2007 the European Union adopted the Audiovisual Media Services Directive (AVMS-Directive) (Valcke et.al., 2009, 127-137). This Directive amended the last one and it presented a broader legal framework that covered all audio-visual media services, a modernized set of advertising rules to aid in the financing of broadcasting, and improvements in the technological developments area, among others. By June 2011, already 24 of the 27 Member States had implemented the AVMS-Directive (ACTE, 2011).

The TwF-Directive, the AVMS-Directive and culture

As mentioned previously, one of the European Union's basic aims in its claim for democracy was the promotion of diversity and culture. Ever since the EU was first founded, pluralism has been a great concern. In order to guarantee cultural pluralism, it was established in the Treaty on the Functioning of the European Union that the EU "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 fore" (Article 167.1. TFEU). It was further specified that the EU should encourage and support the improvement of knowledge of European history, the conservation of cultural heritage, and the artistic and literary creation, which includes the audio-visual sector (Article 167.2. TFEU).

One of the basic tools to achieve this goal was the media. As a result of this project, the TwF-Directive and the AVMS-Directive previously described were created in order to promote a common cultural space in Europe. As Curwen introduces it in one of his studies, "culture is what appears on TV" (Curwen, 1999). Therefore, it's not surprising that the EU put so much effort in building Directives that would manage and

control the audiovisual panorama of Europe and would regulate contents with the aim of achieving the promotion of cultural diversity among the Member States.

Economy vs Culture

As in many other cases, the economical aspects of the audiovisual panorama in Europe have great weight in the balance of culture promotion. Thus, economy is strictly connected to the project of the EU. De Smaele states that there is an implicit duality in broadcasting. She argues that there is "conflict between broadcasting as a commercial industry and as a cultural product" (de Smaele, 2004). From a bird-eye's perspective and setting broadcasting into the European space, this duality can be translated into two sides favored by two organizations. On the one hand, the European Commission favoring the economic side of broadcasting while on the other the growing European Parliament is prone to promoting cultural values (de Smaele, 2004). Within the EU, Member States also take positions regarding this duality. Some countries like France, Belgium, Spain or Italy favor the idea of broadcasting as culture while other countries like the UK, Germany or Luxembourg are all about the economic aspects of the audiovisual sector (de Smaele, 2004).

According to de Smaele, this is not the only duality regarding broadcasting and culture. The scholar states that there is also duality between unity and diversity; that is, between European and national identity. Although the TwF-Directive started out as a project to "Europeanize" the EU and promote a unique culture, in the 80's this concept changed and a new route was traced, where the maintenance of national cultures and languages was to be promoted. But, what de Smaele states in her study, is that in this sector "the triumph of economics above culture, is irreversible" (de Smaele, 2004). In this same line of study, Curwen suggests that the European culture can only aspire to merging into a competitive market. And in case it did merge into a common culture, it would be in the shape of popular culture (Curwen, 1999).

Avoiding the 'Americanization' of Europe

Although this economic factor is undeniably present, the EU has made an effort in the promotion of local production in order to avoid the hoarding up of Hollywood and to create a common cultural space (Sarikakis et.al., 2007, 65-90). With Article 4 of the TwF-Directive stating that "all Member States must, where practicable and by suitable means, devote the majority of their transmission time to European works" and Article 5 requiring "that all Member States serve, where practicable and by suitable means, a minimum of 10% of their broadcasting time or programming budget for European works by independent producers and, in particular, recent works" the EU attempts to promote local broadcasting (Hendriks, 2002).

Hendriks analyzed the implementation of these two articles from the TwF-Directive at the beginning of the Century. For the implementation of Article 4, he concludes that most Member States did achieve this goal with an average transmission of European works of 60.7% in 1999 and 62.2% in 2000 (Hendriks, 2002). On the other hand, the results obtained for the implementation of Article 5 were also positive, having an average broadcasting time of 37.5% in 1999 and 40.5% in 2000 (Hendriks, 2002).

Later works have proved that these numbers have kept being high. With the changes taken in the European space in the transition from the TwF-Directive to the AVMS-Directive, the share of transmission of European works achieved 63.8% in 2009 and 64.3% in 2010. Furthermore, the 10% proportion of European works broadcast was also achieved with an average of 34.1% in 2009 and 33.8% in 2010 (European Commission, 2012).

This ongoing concern of the European Commission of promoting the transmission of European works is strictly related to the stimulation of creating a common cultural space within the territory. One of the issues that arouse with this concern was the production of Hollywood and the massive worldwide distribution it had (Sarikakis et.al., 2007, 65-90). According to Curwen, the EU was worried about the massive transmission of USA-based productions in the territory, which would promote the American values and lifestyle in Europe (Curwen, 1999). Sarikakis too agrees with this theory, stating that it is expected "to mediate a degree of social cohesion through culture in ways which will foster the growth of 'unity' among citizen subjects of the EU" but the implementation of this model is hindered by the ever-present domination of U.S (Sarikakis et.al., 2007, 65-90). audiovisual production, among other factors. Thus, in order to avoid this dominance of U.S production, the mentioned above measures were established in order to avoid this 'Americanization' from happening and to 'Europeanize' through the media instead.

It is hard for Europe to compete with the USA in this aspect because of the great audiovisual production industry that the later has. Even for European channels, the transmission of American production leads to a higher profit (Curwen, 1999). This is one of the reasons why the European Commission has been strongly imposing regulation on transmission of local production. But according to Curwen, this is not the main issue impeding the creation of a European common cultural space. He concludes in his study that "[w]hat is needed is the development of a European culture that transcends national cultures" (Curwen, 1999) but he explains that in order to achieve this, a new popular culture of Europe should be promoted and this is a difficult task to achieve.

In this same line of study, de Smaele exposes the contrast between the large market share in the USA and the low rate of intra-European distribution. In doing so, she exemplifies with number that "American fiction averages 63.4% on Western European television channels and even higher on Central and Eastern European channels" (de Smaele, 2002). In many cases this high average of transmission of American production is due to the fact that smaller countries in the EU are tempted to transmit these productions because they are cheaper and generate profits. De Smaele also exposes in her study that, according to Levy, "the EU policy to open the European TV market to cross-frontier services primarily benefited the U.S. controlled and U.K. registered channels such as CNN, MTV, and TNT Cartoon Network, together with national channels seeking to escape domestic licensing constraints" (de Smaele, 2004). On the other hand, McPhail argues that the problem of this issue underlies in the fact that European nations "lack the critical mass to compete successfully" and therefore the audience are not aiding to solve this issue, "given their propensity to consume US programs and box office blockbusters" (McPhail, 2010, 211-212). This too depicts how U.S. audiovisual productions are still greatly present within the EU's media panorama.

Another big issue regarding the competition between the EU and Hollywood is the lack of momentum to produce content in Europe. In her study on Audiovisual Policy in the Enlarged European Union, de Smaele advocates that this lack of production is due to a "limited financial capacity, absence of perpetual rights to [ones] own production, and [...] the underdeveloped secondary markets for fiction programming" (de Smaele, 2004). Sarikakis agrees with de Smaele regarding this economic factor. The author states that one of the reasons why a social cohesion programme is not being implemented is because there is a structural imbalance within Europe in the access to information as well as an "inequitable status of whole nations and regions in their media producing capability" (Sarikakis et.al., 2007, 65-90). This causes a permanent oxidation of the European audiovisual industry, which leads to a higher average of foreign transmission, causing again a void of local culture transmission.

To 'Europeanize' or not to 'Europeanize'?

Taking into account the great differences that can be found in the European media system, one must question whether 'Europeanizing' the EU media panorama is feasible or not. Hallin and Mancini (2004) description of media systems within Europe clearly expose these differences, having a "liberal" model in which market predominates, a "democratic corporatist" model in which commercial and public media coexist, and a "polarized pluralist" model in which politics is closely related to the media. This fragmentation of the media panorama in Europe is hardly mutable.

According to McPhail, building a common European media culture or a European public sphere is a goal the EU has but that is difficult to achieve. "The media are thought to promote the pluralism that is necessary for healthy democracies by offering a place for different actors to be heard" therefore it's not surprising that the EU is still trying to build up a European public sphere (McPhail, 2010, 212-214). Schlesinger, who believes not of the possibility of having a European public sphere, argues that in order to achieve this European public sphere, the EU should "have the same news agenda in all European languages" and people should "think of themselves first and foremost as EU citizens, and only secondarily as members of nations" (McPhail, 2010, 212-213). Following this same line, Schlesinger together with Foret state that the European Union's expansion eastward brings up a new question of "how the additional ethnic, national, religious and culturo-linguistic diversity will be integrated" (Sarikakis et.al., 2007, 80). Sarikakis adds to this assertion that this cultural fragmentation represents an issue in the quest towards the creation of a common cultural space in Europe since "national and global media targeting specifically new constellations of ethnic, national, or religious cultures are themselves becoming 'invasive others' from within" (Sarikakis et.al., 2007, 80), meaning that there is little integration of the new within the European Union.

On the other hand, Gripsrud disagrees with Schlesinger by stating that a great part of Europeans is interested in the opinion of others within the EU regarding important political and social issues, which he supports with Eurobarometer opinion surveys (McPhail, 2010, 214-215). Thus, he ultimately asserts that "[t]elevision already contributes to a Europeanization of national public spheres and the minds of citizens" (Gripsrud, 2007, 489).

Conclusions

The European Union has been fighting ever since the end of WWII to build up a democracy that promoted diversity, pluralism and culture. In order to approach this goal, the EU established certain regulations that would aid in the promotion of culture such as Article 167.1 or Article 167.2 under the TFEU, Article 6 of this same Treaty, or Article 2 of the TEU. Furthermore, viewing that a basic tool to achieve this goal was the media, the EU decided to create the TwF-Directive and the AVMS-Directive to promote a common cultural space in Europe. These Directives' ultimate goals were to manage and control the audiovisual panorama of Europe and to regulate contents with the aim of promoting cultural diversity among Member States within the EU.

In its project of promotion of a common cultural space in Europe, the EU has found several obstacles that have (and still do) hindered its pace. So is the case with the production of audiovisual contents within the territory. De Smaele and Sarikakis both agree that the lack of production is due to a limited financial capacity as well as to undeveloped secondary markets. This causes broadcasters to retransmit foreign productions; typically from the U.S.A. But, although the production of European contents is limited and there is an ongoing fear of 'Americanization' through the retransmission of U.S. productions, the EU did achieve one of its goals. Under the TwF-Directive, a couple articles regulated upon media broadcasters the devotion of the majority of retransmission time to European works and at least a minimum of 10% of their broadcasting time or programming budget for European works by independent producers. Figures from the European Commission showed that these regulations did work, having a transmission of European works of 63.8% in 2009 and 64.3% in 2010 and an average budget investment of 34.1% in 2009 and 33.8% in 2010 on European broadcast works (European Commission, 2012).

Another obstacle that the EU has found is the controversy whether Europe can in fact be 'Europeanized' or not. Taking into account the large diversity of cultures, nations, languages, and religions that coexist in the EU, it is somewhat difficult to try to create a common cultural space. McPhail states that the goal of the EU is difficult to achieve but he does not really position regarding this issue. Schelsinger, Foret, and Sarikakis do take a stand against the 'Europeanization' of the EU by stating that it too difficult to create a common European culture when there is so many cultures coexisting in one territory. On the other hand, Gripsrud disagrees with the later and believes that there is a growing 'Europeanization' where citizens from different Member States are interested in the opinion of others within the EU regarding important political and social issues.

Although the goal of creating a common cultural space in Europe is somewhat utopian, the EU has made a great effort to approach it. The regulations it has set with the TwF-Directive and the AVMS-Directive provide the European Media panorama with some uniformity and aid in the creation of a shared cultural space as well as in the promotion of European works or the integration of different cultures. Taking into account the characteristic (and growing) diversity of the EU, it would be difficult to create a common uniform cultural space. Therefore, what the EU is trying to achieve through the media is to preserve the European culture and promote the conscious of 'Europeanness'.

References

- Aubry, Patrice. 2000. European Audiovisual Observatory.
- Bennett, Rogers. 1993. *The Handbook of European Advertising: Media Planning, Marketing Analysis and Country-by-country*. London: Kogan Page Ltd.
- Besio, Cristina. 2008. The Implementation of the Quota Requirements of the Directive 'Television Without Frontiers'. *The International Communication Gazette* 70, 2, 175-191.
- Butow, Robert Joseph Charles. 1954. *Japan's Decision to surrender*. California: Stanford University Press.
- Castendyk, Egbert J. Dommering, Alexander Sheuer. 2008. *European Media Law*. United Kingdom: Kluwer Law International.
- Collins, Richard. 1990. *Television: Policy and Culture*. London: Unwin Hyman Ltd.
- Commission of the European Communities. 1987. *Green paper on the development of the Common Market for telecommunications services and equipment, Volume 1*. N.d.
- Curwen, Peter. 1999. Television without frontiers - can culture be harmonized? *European Business Review* 99, 6, 368-375.
- de Smaele, Hedwig. 2004. Audiovisual Policy in the Enlarged European Union. *Trends in Communication* 12, 4, 163-180.
- Deák, István, Jan T. Gross and Tony Judt. 2009. *The Politics of Redistribution in Europe: WWII and its Aftermath*. New Jersey: Princeton University Press.
- Dedman, Martin. 2010. *The origins and development of the European union 1945-2008: a history of European Integration*. United Kingdom: Taylor & Francis.
- Dobek-Ostrowska, Boguslawa. 2010. *Comparative Media Systems: European and Global Perspectives*. Hungary: Central European University Press.
- Drucker, Susan J. and Gary Gumpert. 2010. *Regulating Convergence*. New York: Peter Lang Publishing, Inc.
- Eichengreen, Barry. 1995. *Europe's Post-War Recovery*. United Kingdom: Cambridge University Press.
- European Communities. 1994. *MEDIA*. N.d.
- European Commission. 1995. *Growth, Competitiveness, Employment: The Challenges and Ways Forward Into the 21st Century*. Pennsylvania: DIANE Publishing.

- European Commission Report on Implementation of Articles 4 & 5 of the TWF Directive: Hendriks, Nynke. 2002. IRIS.
- Füg, Oliver C. 2008. Save the Children: The Protection of Minors in the Information Society and the Audiovisual Media Services Directive. *Springer Science* 31, 45-61.
- Flynn, Roderick. 2004. Tackling the Directive: Television Without Frontiers, Transnational Broadcasting, and Irish Soccer. *Trends in Communication* 12, 2, 131-152.
- Goldberg, David; Tony Prosser and Stefan Verhulst. 1998. *EC Media Law and Policy*. United Kingdom: Addison Wesley Longman.
- Hitchens, Lesley. 2000. *Media Law: cases and materials*. The Netherlands: Pearson Education.
- Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-based Approach
- Kent, Penelope. 2008. *Law of European Union*. England: Pearson Education Limited.
- Krebber, Daniel. 2001. *Europeanisation of Regulatory Television Policy: The Decision-making Process of the Television without Frontiers Directive from 1989 & 1997*. Germany: Nomos Verlagsgesellschaft Baden-Baden.
- Mazlish, Bruce. 2005. *The Global History Reader*. United Kingdom: Routledge.
- McPhail, Thomas L. 2010. *Global Communication Theories, Stakeholders, and Trends*. United Kingdom: Wiley-Blackwell.
- Noam, Eli. 1991. *Television in Europe*. New York: Oxford University Press, Inc.
- Parrish, Richard. 2008. Access to Major Events on Television under European Law. *Springer Science* 31, 79-98.
- Piris, Jean-Claude. 2010. *The Lisbon Treaty: a legal and political analysis*. United Kingdom: Cambridge University Press.
- Promotion and distribution of EU works and Independent Production: EC. N.d. EC Europa.
- Sarikakis, Katherine. 2007. *Media and Cultural Policy in the European Union*. The Netherlands: Rodopi.
- Select Committee on the European Communities. 1986. *Television Without Frontiers: With Evidence*. London: Her Majesty's Stationery Office.
- The Audiovisual Media Services Directive: ACT. N.d. Association of Commercial Television in Europe.

- Valcke, Peggy, Eva Lievens and others. 2010. *Rethinking European Media and Communications Policy*. Belgium: ASP.
- Ward, David. 2004. *European Union Democratic Deficit and the Public Sphere: An Evaluation of EU Media Policy*. The Netherlands: IOS Press.
- Ward, David. 2008. *The European Union and the culture industries*. United Kingdom: Ashgate Publishing, Ltd.
- Watts, Duncan. 2008. *The European Union*. Edinburgh: Edinburgh University Press Ltd.
- Wheeler, Mark. 2004. Supranational Regulation: Television and the European Union. *European Journal of Communication* 19, 349-369.
- Wieten, Jan; Murdock, Graham; Dahlgren, Peter. 2000. *Television Across Europe*. London: SAGE Publication Ltd.
- Woods, Lorna. 2008. The Consumer and Advertising Regulation in the Television without Frontiers and the Audiovisual Media Services Directives. *Springer Science* 31, 63-77.
- ¿Debemos preocuparnos por Norteamérica? La política cultural y audiovisual de la Unión Europea: Schlesinger, Phillip. N.d. *Perspectivas*.