

REPORT



A brief review of regulation for creative and cultural industries

Authors

Thomas Borén and Dominic Power

February 2022



This project has received funding from the European Union's Horizon 2020 research and innovation programme.

This report is part of the CICERONE project, which has received funding from the European Commission's Horizon 2020 Research and Innovation Program under grant agreement no. 822778.

The project is conducted by:



UNIVERSITY OF AMSTERDAM



UNIVERSITAT DE BARCELONA



CITY UNIVERSITY LONDON



UNIVERSITÀ DEGLI STUDI DI BARI ALDO MORO



universität wien

UNIwersYTET SWPS



Stockholm University

Observatory of Cultural Economics

The CICERONE project is coordinated by the Amsterdam Institute for Social Science Research (AISSR) of the University of Amsterdam, which is located at:

Nieuwe Achtergracht 166
1018 WV Amsterdam
The Netherlands

info@cicerone-project.eu
www.cicerone-project.eu

Disclaimer

This publication reflects the authors' view only. The European Commission is not responsible for any use that may be made of the information it contains.

This report is to be cited as:

Borén, T. and Power, D. (2021) A brief review of regulation for creative and cultural sectors. (CICERONE report D3.3). <https://doi.org/10.5281/zenodo.6222937>

Authors

Thomas Borén is Associate Professor in Human Geography and Dominic Power a Professor in Human Geography. They are both affiliated to Stockholm University, Sweden.

The authors would like to warmly thank Andy Pratt, Robert C. Kloosterman, Philippe Kern, Clémentine Daubeuf and Montserrat Pareja-Eastaway for their very useful reviews and suggestions.



This report is openly published under the Creative Common license CC-BY, which requires giving credit to the authors and the CICERONE project when being reused.

Abstract

This report examines key elements of the European regulatory environment for the cultural and creative sectors (CCS) and is part of Work Package 3 (*Policy, regulatory and governance matrix of the CCS in Europe*) of the CICERONE-project (acronym for ‘Creative Industries Cultural Economy Production Network’). The focus of the report is on regulation within the EU that effect the CCS and their production networks and does not specifically address the myriad ways in which trade regulations and regulators effect CCS. The perspective is based on the concept of Global Production Networks, which suggests that the regulatory environment along the entire value chain of cultural production, and the places involved, needs to be considered together. The regulatory environment covering the CCS encompasses both policy and legislation, and also includes frameworks that exist at local, regional, national, EU, and supranational levels. In this report, we discuss six key areas: (1) policy hierarchies and scalar and sectorial complexity; (2) regulation of work and contracts, with a focus on small actors and protected designations; (3) content and production regulation, including notions of quotas, arm-length’s distance and the new political landscape in Europe; (4) intellectual property rights regulation; (5) competition regulation, monopolies, and platform economies; (6) and regulation for the digital single market. Throughout the report we highlight possibilities that may be considered in policy to further support the CCS.

Key words

Regulation, regulatory environment, policy hierarchies, scalar complexity, value chains, Global Production Networks, European Union

A brief review of regulation for creative and cultural industries

| | |
|--------------------------|--|
| Project name | Creative Industries Cultural Economy Production Network |
| Project acronym | CICERONE |
| Grant agreement ID | 822778 |
| Project deliverable name | Report on regulation |
| Deliverable number | D3.3 |
| Responsible partner | Stockholm University |
| Work package | <p>The CICERONE project consists of seven work packages (WPs), from which thirty-one public reports and policy briefs will be released.</p> <p>This report is the third in a series of six reports that is part of WP3. This WP is called “<i>Policy, regulatory and governance matrix of the CCS</i>” and aims at exploring the policy and regulatory environment for CCS. It assesses to what extent these are appropriate for addressing the challenges of new and emergent organisational and governance forms of the creative economy.</p> <p>This report is preceded by a review (D3.1) of tariff barriers and trade costs affecting the creative industries across European border, and a report on incentives (D3.2). This report on regulation (D3.3) will be followed by a review of organisational structures (D3.4) in the CCS. The fifth report (D3.5) in this series provides a synoptic mapping of production networks, while the sixth and final report (D3.6) constitutes a background report of EU global production networks. As a series, the WP3-reports provide a backdrop for the project’s local-level analyses of individual creative production chains.</p> <p>All papers of the CICERONE project are publicly disclosed on the project’s website www.cicerone-project.eu and in its dedicated Zenodo community on https://zenodo.org/communities/cicerone-h2020.</p> |

Table of contents

| | |
|--|----|
| 1. INTRODUCTION | 6 |
| 2. EU REGULATION AND THE EXTENT OF REGULATION | 9 |
| 3. POLICY HIERARCHIES AND COMPLEXITY | 12 |
| 4. REGULATING WORK, CONTRACTS AND WORK REGION..... | 19 |
| 4.1 REGULATION OF 'INDEPENDENT' / FREELANCE WORKERS..... | 19 |
| 4.2 CONTRACT LAW AND SOFT LAWS | 20 |
| 4.3 TERROIR, ORIGINS AND PROTECTED DESIGNATION | 22 |
| 5. CONTENT AND PRODUCTION REGULATION..... | 25 |
| 5.1 CONTENT REGULATION : FREEDOM VERSUS LIMITS | 25 |
| 5.2 PRODUCTION AND CONTENT QUOTAS | 27 |
| 6. INTELLECTUAL PROPERTY RIGHT REGULATION..... | 30 |
| 7. COMPETITION REGULATION, MONOPOLIES AND PLATFORM ECONOMIES | 33 |
| 8. DIGITAL SINGLE MARKET? | 36 |
| 9. CONCLUSIONS | 38 |
| 10. METHOLOGICAL APPENDIX | 39 |
| REFERENCES..... | 41 |

1. Introduction

This CICERONE report builds upon an approach to understanding the cultural and creative sectors (CCS) by stressing how many places and actors are involved in production networks and how ‘global’ much of Europe’s cultural and creative economy actually is. Understanding how regulation in various places effect different stages in the production network and how some regulations effect flows across all stages of production and consumption is both an important and impossible task. Firstly, important because the regulatory environment shapes all aspects of the CCS. Secondly, impossible because there is an enormous range and variety of regulations affecting every type of creative and cultural business and production network. This report therefore does not attempt to review the entirety of European regulation for the CCS. Instead, it reviews some key elements of Europe’s internal regulatory environment that have emerged from the CICERONE project as particularly important to the CCS.

The report must be seen as part of the project’s Work Package 3, which aims to provide, mainly on the basis of *secondary* sources, a baseline for policy analysis in the field of Global Production Networks (GPN) in the CCS. From a GPN perspective perhaps the most important way in which the EU regulates the CCS is through the types of trade and international relations it establishes with the rest of the world and, internally, through the single market. The topic of trade relations was the subject of a first report in this WP (entitled *A review of tariff barriers and trade costs affecting the Creative Industries across European borders* by Pratt et al 2019). Following from this, this third report in a series of six WP3-report focuses on *regulation* that affects CCS and their production networks *within* the EU and its regions, and does not specifically address the myriad ways in which trade regulations and regulators impact CCS. Narrowly defined, a "regulation" is a binding legislative act. EU regulations are a type of legal action applied in its entirety across the EU. In a broader sense, the regulatory framework covering CCS encompasses both policy and legislation, but also includes frameworks existing at local, regional, national, EU, and supranational levels.

Enumerating the regulatory frameworks that facilitate, promote, and impact European CCS is a difficult task in four respects:

- First, although some the CCS are well-established industries (such as book publishing), others are quite new industries (e.g., computer gaming). This means we are faced with both regulatory frameworks that are well established and functioning but also areas where policy lacks awareness, measures and tools to match the sectors’ legal needs or the regulatory challenges they may pose.

- Second, the CCS often cross-cut policy areas and regulatory fields (or silos), which makes it difficult to have coherent policy support regimes as they become subject to many areas of public regulation.
- Third, the outputs of the CCS range widely from easily transferable intellectual property to material products to crowd-based situated experiences, thereby spanning a wide range of regulatory areas from copyright law to health and safety restrictions.
- Fourth, the CCS has an extremely high proportion of freelancers, sole traders, micro and small businesses. The diversity of CCS actors and products means it can be hard to identify a comprehensive regulatory framework. A fragmented field combined with small-scale actors who lack extra capacity and resources, makes collective recognition, negotiation and lobbying for comprehensive regulatory change challenging.

If CCS policies in general are subject to fragmentation, contradiction, and lack of coordination, the same can be said of the regulatory environment. It is impossible to create a single ‘map’ of the current regulatory environment in relation to Europe’s CCS. Regulation is ultimately reliant on policy and CCS policy has tended to straddle two main policy pillars: industrial policy at the national/supra national level (including trade and competition policy); and cultural policy, which is mainly enacted at the national and regional/local level. Commercial cultural activities often referred to as creative industries have often been the preserve of trade and industry regulation; and state supported activities, on the other hand, the preserve of cultural policy and regulation. Added to the differences in policy scales are the sometimes different values behind industrial and cultural policy. CCS have long been valued for their social and cultural value creation and, more recently, for their contribution to jobs and growth. Regulation becomes tricky since it is not always clear what set of values the regulation is affecting or whether regulating which promote one value negatively affects others. This means that we are potentially met here by conflicting, fragmented and disparate policy environments and regulation frameworks that can be argued to have lacked coordination and coherence. In the present report, we point to this double-sided character of the regulatory environment when relevant, but it is beyond the scope of this text to analyse how the CCS, and attendant regulation, actually impact the cultural, social and economic lives of European citizens. Rather than discussing the social and economic *effects* of regulation for citizens, regions or countries, the report is focused on *where policy needs appear to be* and *where there may be some policy mismatch*.

The picture is not only bleak and we suggest, following Kern (2020), that substantial progress is being made, especially in relation to regulations of intellectual property, trade, and the inner market (including the digital single market). Nonetheless, the regulatory framework is complex and the challenges that exist need to be approached in a manner that understands the diversity of the CCS and the various stages and scales at which they operate. In this report, we aim to deepen the analyses of selected key regulations where policy and regulation is especially important for the CCS. As made

clear by Kern (2020), much regulation is already in place, but further policy and regulatory support can be considered in key areas.

This report must be put in the context of the wider CICERONE project, which uses a multi-pronged strategy to render a picture of the coverage, and gaps, of the policy and regulatory environment appropriate to the CCS. The aspects of the European CCS's regulatory environment outlined in this report should then be understood in a broader context that also includes findings and reports on industrial, cultural, and trade policies (see the CICERONE reports *A review of tariff barriers and trade costs affecting the Creative Industries across European borders* by Pratt et al 2019 and *Enumerating the role of incentives in CCS production chains* by Daubeuf et al 2020), but also the organisational and market specificities of each sector within the CCS (as part of CICERONE's WP2). The overarching aim of the CICERONE project as a whole is to illustrate where policy and regulation can better serve CCS. In this report the guiding question is: *What sort of EU regulatory frameworks are central to CCS and their GPNs?*

2. EU regulation and the extent of regulation

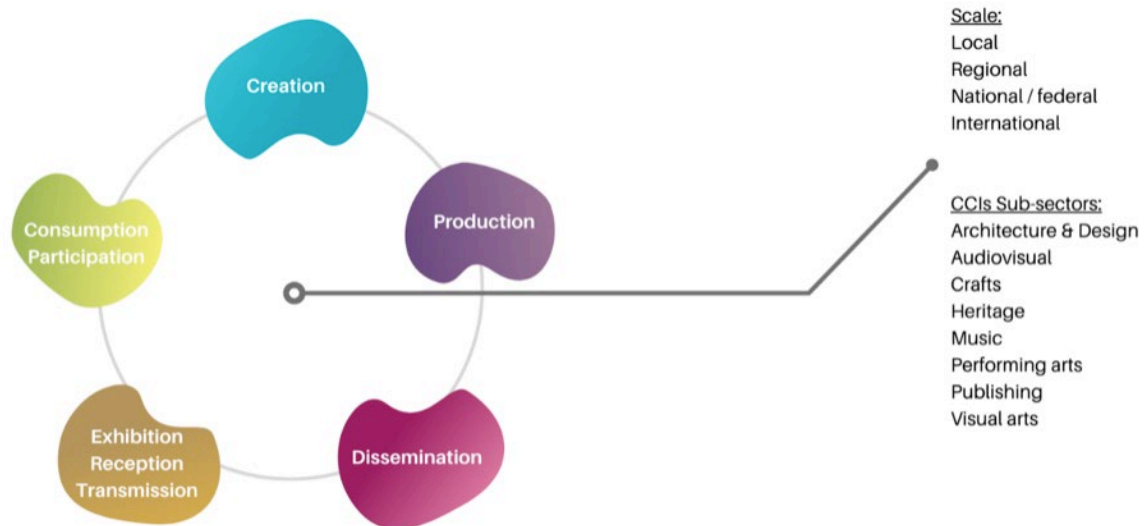
Regulation can be understood in a variety of ways. In a narrow sense, EU regulations are legal actions stemming from policy and legislation that are to be applied in their entirety across the EU via implementations in the national legislations of member states. In contrast, theory on regulation within social science most often takes a broad understanding of the term. Primarily, the regulation approach or regulation theory suggests that regulation involves the entire underlying capitalist system or 'mode of production' underpinning the EU. Accordingly, it includes a wide range of social and institutional systems as well as governments' and legal systems' role in the regulation of the economy. Public sector policies on training, taxation and subsidy are, in this perspective, important regulatory aspects affecting industries. Whilst we will not follow the broad regulation approach in this report - we will utilise a much narrower idea of regulation -, what is interesting of this approach is that it reminds us of the breadth and depth of different regulations that can have profound effects on how culture and the economy works. The particularities of certain places (such as regional or national contexts) and certain spaces (such as online spaces or cross border flows) will have unique implications for cultural and creative work and markets.

This report is selective and only addresses a number of EU-level regulatory areas which we suggest are of special importance to CCS and to which European policy may beneficially focus attention. We also leave aside aspects of regulation that have been treated in depth in earlier reports produced within the context of the CICERONE, in particular D3.1 and D3.2, which respectively focus on international trade agreements or regulation and incentives for cultural production. In these - and other - CICERONE reports, the starting point of analyses has been the intersection of global production networks of CCS with their regional and local bases. This is a perspective present also in this report.

Looking at global production networks, in short, means looking at the actors and workings of the cultural economy from a geographic perspective in which places, and the flows of ideas, goods, services and capital between places, are at centre stage. Networked cultural production thus follows a value chain of stages in where each stage may (but must not) be located and embedded in various regions through-out Europe and beyond. Regulation at each of these regions may affect the actors and workings of that stage and thus also the workings of the production network at large. Understanding regulation and the regulatory framework is central to understanding the balance of command and power between actors in the network. Figure 1 show the stages of typified global production networks and lists the CCS singled out for analyses by CICERONE and the scales that are involved (for more

details, see CICERONE report D1.1 *Creative and cultural industries and global production network approached so far: A brief review of the literature and its relevance for the creative and cultural industries* by Kloosterman et al. 2019a).

Figure 1. CCS production networks



An additional starting point for the present report is the conclusions of the KEA European Affairs’ report on EU cultural policy, or rather the lack of it (Kern 2020). Kern summarises the development of European cultural policy initiatives (including regulations) since 1985 and makes a strong call for a ‘Cultural European Union’. As made clear by Kern (2020), there is no single regulation or policy concerning culture in the European Union. What exists are various initiatives over time in several sectors that, when taken together, have had a strong bearing for the cultural and creative industries, or the cultural field at large.

“Whilst it seems that culture has taken a residual role in EU policy the truth is that the European Union has progressively been building a cultural policy for the last 40 years through its competence to negotiate international trade agreements, to harmonize legislation with a view to build a Single Market or to implement competition law. Furthermore, since 2007, armed with a better understanding of the importance of the economy of culture in Europe, the EU’s industrial, regional, digital and external policies have considerably expanded EU’s intervention in the field of culture”. (Kern 2020:1)

Formally, however, culture belong to ‘national competences’, meaning that the respective member states are responsible for policy and regulation in their territories. Given the developments within EU, however, Kern (2020) argues that most (80%) of relevant regulation and policy actually already is

placed at EU-level. Much is thus already in place to develop a cultural policy for the union that is trying to better integrate the particularities and complexities of this field, including the diverse regulatory framework that characterise cultural production across stages and regions in production networks.

3. Policy hierarchies and complexity

Before moving on to discuss a number of key regulatory areas at EU level, it is important to put EU level regulations in the wider context of policy hierarchies and to underline the complexity of sectors and scales involved in the CCS regulatory environments.

Regulation occurs at different scales (i.e., local, regional, national, EU, global). All these scales are distinct and come with different sets of actors, legal and policy contexts, regulations, temporalities and particularities. At the same time, all of these scales are linked and intertwined. This means that we have a complex landscape of interlinked policy arenas and scales of action (and/or inaction). Complexity, however, does not mean that hierarchy does not exist.

In the EU, culture is regarded as a competence field belonging at the national level whereas the role of EU is to provide support. As stated above, the EU's role in the field of culture has expanded and recently *A New European Agenda for Culture* (European Commission COM (2018) 267 final) was published. This agenda has three strategic dimensions:

- 1) A **social dimension**, focused on harnessing the power of culture and cultural diversity for social cohesion and well-being.
- 2) An **economic dimension**, aimed at supporting culture-based creativity in education and innovation, and for jobs and growth.
- 3) An **external dimension** to strengthening international cultural relations.

Each of these strategic dimensions involve a number of tasks to which the Commission committed itself, some of which having the potential of becoming important to the functioning of GPNs in CCS. An example of such commitment is the inclusion of CCS in the development of a new Industrial Policy Strategy. As stated in *A New European Agenda for Culture* (European Commission COM (2018) 267 final), the Commission will:

“Organise a regular dialogue with cultural and creative sectors in the context of the renewed Industrial Policy Strategy, to identify policy needs and underpin a comprehensive policy framework at EU level.”

Since the agenda is new, the impact of this dialogue and other commitments in providing support for the member states in the field of culture, is yet to reach its full potential. Nevertheless, the agenda is a clear signal that the field of cultural policy and regulation is attracting the interest of central European authorities and that the exclusivity of member states in this field may come to an end. But while the hierarchical order of cultural policy in Europe may change, power over cultural

policies is currently still with the member states, which is firmly recognised in the EU's cultural agenda:

“Member States have exclusive competence on cultural policy, while the Union’s role is to encourage cooperation and support and supplement Member States’ actions.”

A *New European Agenda for Culture* may support policy developments in member states and will obviously also inform EU action in the field of culture, but is not a policy per se. Formally, member states rule and regulate themselves in the cultural field. It is not up to the EU to decide over libraries, museums, heritage sites, concert halls, bookshops, etc. within its member states. However, this does not mean that there are no EU-regulations to consider for the CCS. On the contrary, EU-level regulations are a central feature for the CCS, but so are national legislation and regulatory systems.

Below EU and national regulations is the regional and local scale. At regional, local and city levels, regulation mainly occurs in two ways: 1) through local policies and policing that apply and interpret inputs from above; and 2) through independent policy and regulatory frameworks and actions within the regional, local or city territory. Regulation is a multi-scalar framework that gets enacted in locally particular ways. At the local level, it thus makes sense to think of regulation in terms of ‘actually existing regulation’ (cf. Brenner and Theodore 2002) to understand regulation as performative in relation to local actors. The fact that most creative and cultural products are shaped within global production networks, and that their production chains are thus territorially disintegrated, means that these networks are subjected to different regulatory regimes: GPNs operate in many different taxation, intellectual property, labour laws, health and safety, etc. regimes making it impossible to say exactly what the regulatory framework for any of their outputs may be.

A further element of complexity lies in the ways in which CCS cater to many different types of paymasters. There is a mixture of public and private efforts in this field with extensive public spending and ownership within the culture and creative sector. This ‘mixed setup’ becomes part of the complex regulatory environment when member states, but also regions and municipalities, have their own policies and systems of support and public spending, which are central to many of the global production networks of the CCS. In relation to this, it is important to note that the regional diversity in policy efforts across Europe may mirror the local importance of the CCS to the region. Regions with a less developed CCS may also have weaker supporting policy structures, and vice versa. This is a typical issue of the role and function of embeddedness (see also the CICERONE report D1.3 *Format case study selection* by d’Ovidio et al 2019); the more embedded an industry is, the stronger the relations to locally supporting infrastructures in politics, policy, education, etc. This dynamic also produces effects over time: a further retaining and attraction of actors to particular regions, make these regions become stronger, allowing them to further secure their position in the field of production in relation to other regions, while simultaneously further strengthening the underpinning

relations to the supporting structures in the first place, thereby setting in progress a continuous process of “embeddification”.

Complexity is added by changes over time. While the idea of grouping a number of different industries – media, art, theatre, fashion, etc. – under the joint denominator of the “cultural and creative industries” had a breakthrough in policy thinking in the 1990s, it has taken time for this idea to spread within European policymaking. Hesmondhalgh and Pratt wrote in 2005:

“... if the rise of the cultural industries, and the responses of intellectuals to their expansion, helped to shape cultural policy, it did so as a ghostly absent presence. The cultural industries were the “other” against which cultural policy reacted, in the shape of arts subsidies, but also in the formation of public service broadcasting in some countries”. (Hesmondhalgh and Pratt 2005: 3).

This is obviously not only in the regulations and policies per se, but also with regards to the widespread lack of agreement over concepts and available data and statistics (KEA 2015, Kloosterman et al. 2019b).

All in all, this means that regulation concerning the cultural and creative industries still show a very fragmented picture. What is needed by the CCS perhaps is not necessarily more cultural policy, but a recognition that cultural policy is only addressing parts of the field, and only part of the different elements in (global) production networks. For example, cultural policy might support the *creation* of music but not its *publishing, copyrighting* and *distribution*. Or it may support the *creation* of books and their *consumption* and *archiving* in libraries, but not their *production*. In short, cultural policy is not the same as CCS policy. This meant that, to paraphrase Hesmondhalgh and Pratt (2005:7, our emphasis): “the cultural industries do not fit easily into cultural policies operating under these assumptions. In the majority of cases of *national* cultural policy making, cultural industries are side-lined”. The same holds true for CCS policy, which is far from being a subsector of cultural policy. Many regulations affecting the CCS do not stem from cultural policy, but from general industrial policy, with often little recognition of the specificities of the sector. However, in recent years almost every EU country has developed a CCS policy at national and increasingly also at regional levels (often together with smart specialisation initiatives) and many countries have now specific support tools to help with the internationalisation of their CCS (as is the case for The Netherlands, Austria, France, Spain, and Poland).

At other scales, such as cities and regions, concerted effort has been made to come up with coherent policy and regulatory frameworks to support CCS. In federal states where regulatory powers are devolved, the regional scale can be particularly important - though in all cases regions have no power in domains such as competition policy, trade or copyright. At these scales, the policy and regulatory landscape for creative and cultural industries have benefitted from the hype in recent years around

‘creativity’ and creativity policy. Creativity and creative workers in particular have been singled out as economic and urban drivers by regional and urban policy that, in many places, have been heavily inspired by the works of Charles Landry (2000) and Richard Florida (2002, 2005). Their ideas have spread around the world from the early 2000’s (Evans 2009; Borén and Young 2016). In parallel with the rising social and global interest in the role of culture and creativity for urban and regional development (including urban regeneration, boosterism, place marketing, etc.), a great amount of research has been undertaken, but when it comes to regulation, this research on the role of culture and creativity in urban and regional development show a mixed picture. On the one hand, culture becomes a focus area for further public attention and support, on the other it is often considered to be part of furthering neo-liberalisation in cities and markets.

It does not seem as if two decades of thinking on culture and cultural industries as part of local and regional development policy has been instrumental in shaping a more common set of regulations across localities. Yet, European scale interventions of various kinds may have been instrumental in forming a common base within and across local administrations towards mainstreaming support structures, understandings and ways of working. For example, large sums from the structural funds are related to investments in the cultural sector, not to mention the European Capital of Culture-event, and, as Borén, Grzyś and Young (2020a) have shown, urban relations to the EU-level have formative consequences on the structural-administrative level for the cities. However, far from all European cities or regions have strong direct relations to the EU, so there is an uneven geography across Europe concerning the influence of European interventions and support.

Locally, cultural policy and culturally relevant policy is often fragmented across a range of actors and administrations (Markusen and Gadwa 2010: 384). This implies that there is great variation between places, cities and regions in how they, in formal policies and informal power relations, in practice regulate the role of culture within their jurisdictions. Thus, again, it thus makes sense to think in terms of ‘actually existing regulation’ (cf. Brenner and Theodore 2002) to understand the local dynamics and contingencies.

“In most cities, responsibility for cultural planning is fragmented among major agencies, such as cultural affairs, city planning, and economic development, with public works, public safety, and independent park, library, and education boards also involved.” (Markusen and Gadwa 2010: 384)

This also allows for a range of types of cultural eco-systems (DISCE 2020) to develop. However, the task here is rather to understand how these ecologies have different capacity to ‘couple up’ (Coe and Yeung 2016) with cultural industry production networks of various kind. Different local regulations (i.e., actually existing regulations) hamper or enable this coupling to happen, but as of:

“Yet the mishmash of structures and spending tools currently relied on for cultural planning makes it very difficult to generalize across places or to determine which cities are relatively successful and why.” (Markusen and Gadwa 2010: 384)

Industry or sectoral lobbying regarding conducive local, urban or regional regulatory frameworks have tended to be reactive rather than strategic. Strategic lobbying from the CCS or individual sectors has tended to be directed towards international, European and national levels and rarely at local ones unless in large cities, and directed principally at legislations concerning copyrights, communication access and other key issues:

“In most regions, cultural industry members have not banded together around public policy or planning issues. Driven by bottom-line concerns (Vogel 2007), sector leaders are preoccupied with key regulatory issues such as intellectual property rights protection and telecommunications access that are national rather than state or local issues (B. Ivey 2005). With rare exceptions, such as film industry bids for incentives, managers in these sectors are disinterested in city cultural policy, though individuals made wealthy through cultural firms’ success may contribute to and lobby the city for support for their favorite (usually large, elite) cultural organizations”. (Markusen and Gadwa 2010: 385)

The quote is based on research on the American context, but there is no research to support that it would be different in Europe, with some nuancing regarding the potential role of regional CCS actors in interventions based on the structural EU funds or other formative EU interventions on the regional and local levels. How local and regional industry and politics coordinate their efforts to maximise EU support are likely to be formative at local and regional levels (cf. Borén et al 2020a). However, these issues need further research.

We also note that, in relation to the issue of large companies and small entrepreneurs, local policy might be most relevant to the latter (e.g., regarding studio support, available exhibition venues, etc). Larger companies already located in a city or region might already have established connections and links to decision makers of local policy and regulation, making sure to lobby for and against local measures that impact their business. Nevertheless, even if the larger companies of the CCS are not usually overly interested in local policy developments, there are a great number of examples of the other way around. Localities have in many cases gone to great lengths to build and/or attract flagship art institutions and large arenas to stimulate the economy and to brand themselves (Harvey 2002). This implies that localities are ready to adapt local frameworks to further support these (foreign direct) investments, which could have substantial effects on local labour markets both directly and indirectly (Kloosterman 2014). Given the variation in CCS, these new frameworks would be adapted to the specific needs of a particular investment (including for example transport infrastructure and other heavy investments).

When Disney established a theme park (Disneyland Paris, formerly Euro Disney Resort) outside Paris with support from local development policy and regulation, a large number of jobs and spillovers were created in the region. It has been argued that the location's central position with a hinterland of 310,000,000 potential visitors was important but that the regulatory environment also played a significant role for this establishment (d'Hautesserre 1997, 1999).

“This readiness includes not just the transport and other physical infrastructure, but also the judicial and administrative mechanisms for integrated project developments conducted by both the state and private companies”. (d'Hautesserre 1997: 23)

An important lesson from this example is that locational pull factors include the regulatory environment. The administrative structure of the country and region play an important role in the nature of regulatory support and how it is accessed. In the Disney case, a central facet was the role of state planning and the role of the state for local and regional development. Crucial in this case was thus the centralised French administrative system, whereas many other countries have a much more decentralised system. In federal states, like Germany, Spain or Belgium, the regions have strong roles, whereas in more centrally governed states, like France, local and regional development is a matter of the central state. At the most decentralised end of the spectrum, we may find countries like Sweden, where it is the municipalities, rather than the state or region, who are responsible for planning and local development. The complexities and hierarchies of importance in the field of culture thus also varies in accordance with the political administrative structure of the country in question.

The example of Disneyland also points to another characteristic of the CCS: namely, that there are often no sharp borders between the CCS and other industries. The leisure and hospitality industries are central to many cultural sectors, but so too are tech heavy and other knowledge intensive industries. Culture and the digital technological industries go hand in hand, resulting in new distribution/consumption opportunities (e.g., Spotify or Netflix). Equally, culture and creative industries are highly interwoven with European leisure and tourism sectors. This means that regulation in a diverse range of areas can affect CCS and that regulation at one scale can ripple through the CCS's GPNs.

Complexity and fragmentation across sectors and scale characterises the regulatory environment for CCS. This is equally true of general regulations on working conditions, health and safety, and consumer protection. They have an effect across all dimensions of the GPN, but are locally and nationally conditioned. With the outbreak of Covid-19, health regulations aimed at stopping the spread of the virus were enacted in various ways by regional and national regulators. Central to these necessary steps was the limiting of contact in mass gatherings and, thus, the closure of venues. For many CCS public gatherings are central to how their markets work and to the products they create:

Market function / Trade fairs such book fairs or fashion and design weeks have long been central to how industries such as publishing, design and fashion links creators, producers, wholesale and retail. Covid-regulations essentially closed these or forced them into new online formats.

Product / For sectors such as live music, theatres, cinemas, performance art, exhibition and museums the product largely depends on public gatherings. Covid-19 regulations radically affected the possibility of these sectors to be open for business. Such Covid-related regulations differed across the EU member states, but in all cases the attempts to slowdown the spread of the virus led to a dramatic and unprecedented economic impact. These measures have accelerated the growth of alternative cultural consumption notably through digital networks, thus forcing the industry to accelerate its digital service offerings.

A GPN approach could help us understand the issue of regulation from a slightly different perspective as it focuses not on the scale at which regulation is legislated, but the regulatory particularities the different phases of an industry will find most important. This is a potential way to better coordinate policy focused on supporting economic growth and sustainability in the CCS.

Table 1: Regulation areas especially relevant to different GPN stages

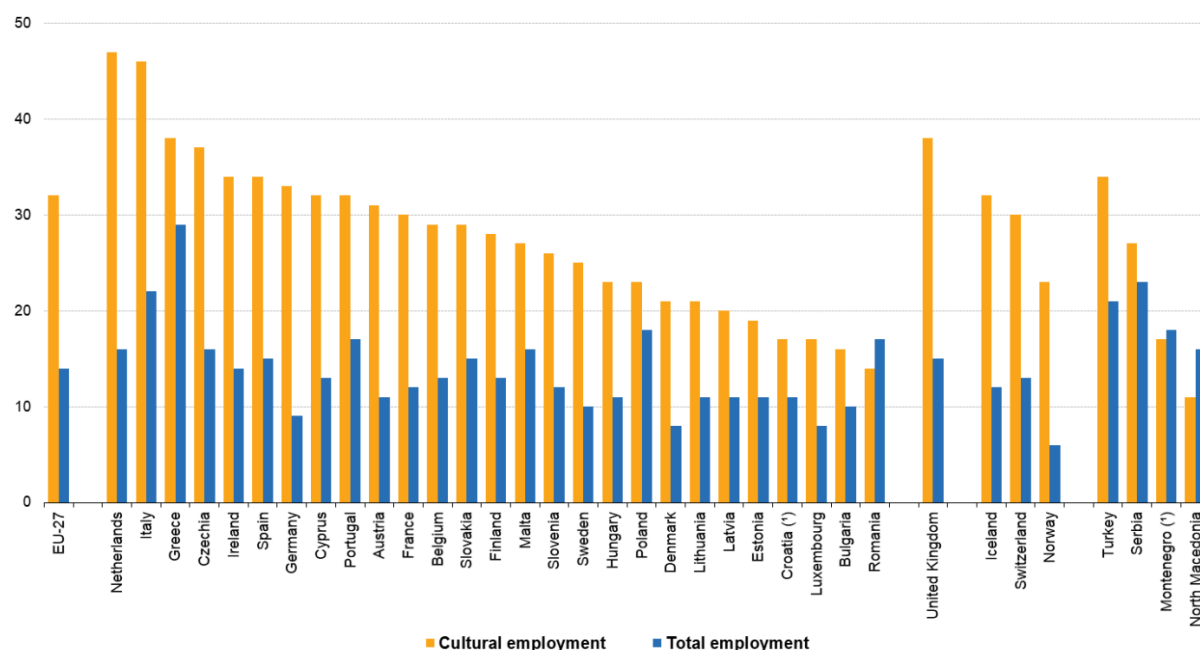
| Creation | Production | Dissemination | Exhibition, Reception, Transmission | Consumption, Participation |
|------------------------------|---|---|-------------------------------------|--|
| Grants, Subsidies | Grants, Subsidies | Grants, Subsidies | Grants, Subsidies | Tax policy |
| Contract and labour | Contract and labour | Investment obligations | Health and safety | Health and safety / consumer protection regulation |
| Intellectual property | Production quotas Investment obligations | Pricing Quotas Investment obligations | Quotas | Education policy |
| IP Copyright; droit de suite | Competition Copyright | Competition Copyright Trade law | Audiovisual quotas | Copyright vs free |
| Protected designations | | Audiovisual quotas | | |
| | | Release/exploitation windows | Release windows | |

4. Regulating work, contracts and work region

4.1 Regulation of 'independent' / freelance workers

Regulation needs to pay special attention to issues affecting small firms and self-employed or freelance workers. The organisational form of the CCS is different to that of many other sectors of the economy (see also the CICERONE report D3.4 on organisation structures). Whilst there are differences between industries, broadly the picture is of a small number of large firms (in some sectors multinationals) and many thousands of micro-enterprises, sole traders, and freelancers. This contrasts with many if not most other industries, in which 'middle-sized' firms play a key role. This is true of all stages in CCS production and value chains but especially pertinent in the creation and production stages. As Figure 2 shows, self-employment is much more prevalent in the CCS and the regulation systems affecting self-employed workers are vital to how we understand CCS.

Figure 2. Share of self-employed in cultural employment and total employment, 2019 (Source: Eurostat)



There are signals that workers within the CCS are subject to higher levels of uncertainty and precarity than workers in the rest of the economy. According to Eurostat's cultural employment statistics:

"Some 70% of artists and writers in the EU-27 worked on a full-time basis in 2019, which was lower than the corresponding shares of people working full-time in the field of culture (75%) or across the whole economy (81%)."

“In 2019, some 85% of all employees in the EU-27 had a permanent employment contract, while the corresponding figure for artists and writers who were employees was 75%.”

Extensive self-employment, lack of stable contracts and relationships, non-standard forms of employment, part-time and precarious work, and a small number of dominant actors suggest that policy needs to be vigilant in areas such as working conditions and the provision of social protection, equal opportunities and treatment, but also that it needs to ensure the protection of the right to freedom of association and collective bargaining.

These structural elements of the CCS mean that it is important that regulation is especially aware of and carefully treats issues of contract and labour arrangements. The ILO (2019):

“... calls for greater understanding regarding the various employment regimes applicable to workers in the media and culture sectors, as well as on their implications for taxation, social security and competition. It also recalls the importance of the international labour standards on freedom of association and the right to bargain collectively, which should apply to all workers, whatever their employment relationship”.

Since the GPNs of the CCS frequently stretch beyond EU borders, we should also be aware of the importance of national regulation pertaining to the entry, visas, and working conditions of foreign workers and artists. For example, the live music and performance industries heavily rely on efficient regulation of artist entry. For many sectors in the cultural economy freedom of movement for shorter or longer periods is an essential element not only of innovation, but also of the day-to-day workings of their markets.

EU policy can aim attention at:

- *Understanding and bettering the regulation for self-employed and precarious workers.*
- *Support freedom of association and collective bargaining within the cultural sector.*
- *Support freedom of movement and international access for essential workers and artists.*

4.2 Contract law and soft laws

Relations between businesses are primarily regulated by the contracts they make between themselves. Beyond contract law, soft laws exist, which are sets of rules without legally binding force such as the Principles of European Contract Law (PECL) that builds upon the common features of contract law in the various European countries. Should conflict arise between parties, the contracts often state how these should be resolved, e.g., by arbitration and/or which country’s legal system

should settle the issue. Actors involved in international relations may therefore face a situation where a different legal system might become central to them, with associated difficulties and costs. The costs involved for small actors may thus prevent them from taking action to settle conflicts, which can further weaken their position in the production network.

In the EU, there have been efforts to harmonise contract law. This could potentially be an alternative to different national legislations (see also the *Green Paper*, Commission 2010). This is not in place yet¹, although there are various ‘soft’ laws – *Lex Mercatoria* – upon which contracts between internationally working companies could rely. This type of soft law could also support the courts in various countries as to understand European common values with respect to trade relations and contracts.

We do not engage in detail with general contract law, since this is a general business-to-business feature that is not only limited to relations in the CCS. We would like to stress, however, that since the CCS are generally characterised by the presence of a few large companies and very large number of small firms and freelancers (with an underrepresentation of middle-sized firms), there is a structural component working in favour of the large companies. The unique nature of many cultural products and the project-based organisation of these products may also add to this, as they require non-standard contractual formats or complex contractual relationships. Whereas large companies may have the resources for in-house lawyers to create contracts and monitor their compliance, small firms might not be able to cover the legal field in any depth. This makes them vulnerable. Signing contracts that give them (and their region) an unnecessarily weaker position in GPNs is a possible threat to their incomes, and thus also to local and regional revenue capture.

Soft law is much used in the EU in the form of codes, guidelines, and communications from the various EU bodies. It is difficult (and takes a long time) to get all member states to agree on legally binding agreements and soft laws are therefore instruments to communicate standpoints of will and interpretation. This may, on the one hand, facilitate cross-border trade and contacts, but is on the other hand forming a complex system of legal and quasi-legal regulations that for many small companies (and most likely large ones as well) are difficult to grasp. This is accentuated by the fact that soft laws stemming from different EU bodies need not to be harmonised between each other, thereby allowing each EU body to argue that their soft law is valid over that of another EU body.

This further complicates the regulatory environment and may be more so for the CCS, which are also characterised by many business collaborations between its industries (e.g., the book becomes a film, the film becomes a game, the game becomes a comic, the comic goes on a T-shirt). It is not uncommon that cultural products and intellectual property give rise to significant secondary markets, nor that the

¹ Recently (2019) EU regulated contracts regarding trade across borders. The new directive will be implemented 2021 in member states. See https://ec.europa.eu/info/business-economy-euro/doing-business-eu/contract-rules/digital-contracts/digital-contract-rules_en

products and IP are consumed and used across a large number of territories. IP regulation covers much but not all of these types of arrangements.

In CCS there are a number of agreements, or ‘soft regulations’, to regulate the behaviour between companies. These are valid when there are no formal contracts between parties. Soft regulations do the work of a contract and of the law without being legally binding. One example is the agreements between publishing houses when, for instance, a scientific journal wants to change distributor. Then, there is a code signed by the major publishers saying how to act to and avoid harm to the journal in the migration process. Such ‘industry standards’ are important aspects of the regulatory environment, and adds to its complexity.

To sum up, business relations are regulated by both hard and soft contract laws (incl. industry standards, business customs and ethics, copyright licensing agreements) throughout Europe, but the complexity and potential costs involved give rise to an asymmetrical power hierarchy that favours large actors over small ones. This might disproportionately affect the CCS, due to their atypical industrial rank-size order. From a GPN-perspective, this means that stages of the value chain might be “unbalanced” in terms of power distribution and governing structures. The value of small actor products, might not be fully exploited locally, which leaves new market entries unrealized and hampers local and regional revenue streams.

Without further harmonisation, it is important that readily available information and advice to businesses and practitioners (of all sizes) is therefore provided.

Policy might focus on setting up (or support) appropriate legal advice centres or contact points.

Policy might support regional and sectorial business associations, knowledge intermediaries or information points that provide legal and contract support, and the establishment of fair and equitable industry standards.

4.3 Terroir, origins and protected designation

European geography and places have a long-acknowledged role in underpinning the value of cultural and creative products. Many European place names are synonymous with CCS excellence and prestige. For example, fashion cities such as Paris, Milan and Antwerp have a worldwide reputation for fashion excellence, as do streets like Saville Row in London. In artistic craft production the reputation of Murano or Bohemian glass are further examples of how localised production systems can develop lasting competences and globally recognised place-based brands.

Production collectives or producer organisations have in some sectors been remarkably successful in not only gaining fair terms, but also in forming protective and productive regulatory frameworks around their product. Harvey (2002) argues that this has led to monopoly rents in, for example, the wine industry with the ‘terroir’, territory and exclusive territorial naming rights for wine (as in the case of e.g., Champagne). Food products, such as cheese and ham, are also trying to take advantage of their regional associations or origins. For example, all cheese named ‘feta’ needs to be produced in Greece, even if more or less same cheese products could be made in Denmark. Food products normally don’t fall within the classification of CCS, but the development of regulatory frameworks around regional brands and products could be of relevance to some of the GPNs studied in the CICERONE project.

Similar efforts relating to place names are made in other parts of the CCS, but usually with less formal regulatory backing than is the case with food products. For example, fashion industry in marketing often draws upon the toponyms of fashion capitals such as Paris or Milan in order to gain authentic quality stamps of their product, even if production of their products may be outsourced beyond these regions (Power and Hauge 2008; Power and Jansson 2010). ‘Scandinavian design’ is another example of a toponym which is used in describing and marketing products, and how it can have positive effects for producers in the said region (Power 2009).

The legal framework of protected designations consists of a number of EU decisions and regulations, and also trade agreements (as well as international efforts to protect appellations). It has given rise to a system of classifications and statuses that can be applied to different products. All in all, the power of place, or rather toponyms, to a type of product is a significant force in strengthening local production and branding, and for some of the CCS this is successfully used whereas for others this may represent an untapped resource.

A general trend in the wider economy leans towards ‘economies of scope’ rather than scale. Consumer preferences toward small-batch, specialised, authentic, singular, aestheticized and ‘culturalised’ services and goods also seem to suggest a drive towards a regional differentiation based on sign values, in which price and market values play a relatively minor role. That is, at least for significant (but hardly all) consumer groups (Lash and Urry 1994). The sign value of products includes their place of origin, and the local stories and narratives of their production. As many consumers have become ever more interested in the journeys which their products have taken, and the conditions in which they are produced, place-based associations have perhaps gathered more value than ever. Put differently: the symbolic capital of a place, or chain of places, may be translated to economic capital through monopoly rents, but regulatory support is needed to have it reach full potential. Localised producer and industry networks and associations can play a powerful role in lobbying for, setting up and policing such designations.

If the challenge is to develop regulation which strengthens regional capacities for revenue capture, protected designations for cultural products is an interesting possibility for all cultural products drawing on historical legacies of production (related to a delimited space such as a country, region or city). This is clear for a number of craft, design and fashion products, but may also be applicable to other kinds of cultural production. Equally, such designations may be fruitful in other stages of the value chain and not only in the production stages.

There is significant EU regulation to protect appellation d'origine notably in food and beverage sectors as well as WTO Rules on this as well as EU Trade Agreements with third countries. More research is needed to understand how and if protected designations and existing regulations could be used for cultural products.

Existing regulation concerning place or origin and labelling could be examined to see its fit for purpose in relation to cultural and creative products.

The work of trade and industry associations, creative clusters and creative hubs in this area could be examined and supported by European policy.

5. Content and production regulation

5.1 Content regulation : freedom versus limits

In the charter on fundamental rights of the European Union (2000), there are at least two articles that directly relate to freedom of speech. But there are many more that have bearing for the CCS, e.g., rights to property and to conduct business. In chapter 2, on Freedoms, articles 11 and 13 assert regulatory freedoms which are essential to CCS:

Freedom of expression and information

- 1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- 2) The freedom and pluralism of the media shall be respected. (Article 11)

Freedom of the arts and sciences

- 3) The arts and scientific research shall be free of constraint. Academic freedom shall be respected. (Article 13)

Similar articles are also to be found in the UN's Universal Declarations of Human Rights from 1948, signalling an overall strong support and backup for these issues on supra-union level and in the various national legislations of EU member states.

For the CCS, these articles and what they convey are of fundamental importance for being able to work without risking censor, prosecution or, maybe less dramatically, self-censor at any stage of the value chain. Without doubt, great creative works may come into being also in countries which do not respect these freedoms - e.g., Solzhenitsyn's the Gulag archipelago –, but oppression and censor are far from a creative recipe. Furthermore, limits to the commercialisation and spread of artistic works limits the profits from creativity, which is essential fuel for producing new work.

It is key to protect central freedoms which have long held to be integral to the European integration project. Recent developments in certain European countries have raised concern over freedom of speech and expression, and coercion in the media and cultural sectors. Freedom of speech and expression are central to the functioning of CCS. If these are threatened at any point in the GPN, the entire network may be negatively ripple. Well-known cases are Hungary, but also Poland, Slovakia and the Czech Republic (Bustikova and Guasti 2017, Broughton-Micova 2020). In these countries, valid concerns have been raised over government coercion, court systems and local and regional self-

government. Equally, policy changes affecting cultural and creative autonomy can include opposition from government to narratives and structures that do not fit, as well as changes to funding and management (e.g., of museums, public media), connections with private media, and other coercive measures (see Borén, Grzyś and Young 2020b). In regions where there is the perception that regulations and policy support only the dominant ideology, there exists a significant danger that self-censorship occurs within the CCS. This means that:

The particularities of the governance of cultural production, including formal regulation, in this new political context, and its implications for the CCS throughout the value chains and production networks needs careful attention, and more research.

Freedom of speech may be fundamental for culture and the CCS, but there are nevertheless also formal restrictions. Not everything is allowed to be spoken about or to be disseminated. With new technology, this aspect has become crucial, since information now may spread fast and wide over the internet in un-edited form via platforms. Concretely, content regulations address hate speech (e.g., racist or homophobic expressions), child pornography, blasphemy, defamation and terrorism support. That some of these regulations at national level are based in tradition, may mean that they need re-examining. Equally, some of these laws clash with others and therefore also need closer examination: e.g., blasphemy laws can sit uneasily with pluralism; defamation and insult laws can impact media and journalistic freedom.

Current EU regulations and directives point to where the line between freedom of speech and content regulation could lie. The DG for Internal Policies of the Union wrote in a 2015 study:

“Guidance on where the borderline stands between the two fundamental rights is found in the case law of the European Courts of Human Rights (ECtHR). The ECtHR has ruled that in a democratic society, which is based on pluralism, tolerance and broadmindedness, freedom of expression should be seen as a right extending also to information and ideas that might offend, shock or disturb others. Any limitation of the freedom of expression must be proportionate to the legitimate aim pursued.” (Directorate General for Internal Policies of the Union, 2015, p. 13)

The regulatory environment evidently leaves room for producing and disseminating content that not all people approve. This is important to the CCS, who have a long history of both tailoring their messages to authority, but also of radical and provocative actions that have challenged societal norms and standards. It is important also that the CCS are resilient to moral panics or political pressures. If this was not the case, then in music, for example, we might not otherwise have seen punk, heavy metal or dance music. In art, graffiti or indeed impressionism might have been stifled.

In more regulatory terms, “arm-lengths distance”, the principle underpinning the creation and content of CCS, might need more regulatory support. It has a long intellectual history in Europe in supporting

free culture (see e.g., Upchurch 2011) and secures the meaning of the charter by limiting political and socially induced attempts of control, and hinder too strong self-censuring throughout the production chain.

Regardless of this, regulation must also have the power to stop those aspects that are directly dangerous to people, like terrorism support, hate speech and child pornography. A well-defined and continual European policy debate on what is illegal and what is justly controversial, is needed. Regulation has two roots: first, it comes from heritage and censorship, and secondly from control of monopolies. The two are often confused in 'cultural' policy and dealt with by different agencies in the EU. The two should not be confused, as clarity of the legal and regulatory environment is crucial for free and vibrant cultural and creative production.

Further support for the principle of arm-lengths distance for cultural policy in Europe in order to support freedom of speech, and in order to strengthen creative capacities throughout the union.

The promotion of Cultural diversity is also an objective of EU Treaties and Regulation – this feature should be highlighted as it acknowledges the importance of local cultural expression and as a result the support for local cultural industries.

Article 167 (4) (former 151 (4)) of the Treaty provides that “the community shall take cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures”.

Article 167 of the Treaty provides that 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 the fore.

5.2 Production and content quotas

Content is regulated in other ways than sanctions or limits to freedom of speech and expression. Europe's cultural content in the audio-visual field is particularly subject to content quotas and has been so for a long time. EU law enable Member States to establish such quotas with the intent to protect local production's market access in view of market dominance by foreign (usually US or English language) products or to ensure market access on digital platforms (Netflix for instance). This regulation has recently been extended to digital streaming services and aims, in line with the Lisbon treaty of 2007, to protect European cultural production networks, especially in the audio-visual fields,

and sustain cultural and linguistic diversity in Europe. According to Broughton-Micova (2013), many countries, and later also the EU, have been actively regulating to configure markets:

“Most European countries placed requirements on their private television stations, and usually also radio, for certain amounts of domestically produced content. Their individual markets and production industries remained small compared to that of the US, which fuelled part of the reasoning behind the EU’s Television Without Frontiers Directive (TWF Directive) and the Council of Europe’s Convention on Transfrontier Television that followed. The TWF Directive, since amended and renamed the Audiovisual Media Services Directive (AVMS Directive), aimed to break down national barriers to broadcasting and encourage a common, larger market for television. At the same time it included quotas for European works and independent production to be achieved by stations gradually and “where practicable” (art. 16). This non-binding formulation was based on what many countries already had in a more obligatory form at the national level”. (Broughton-Micova 2013: 2)

There is a variety of national approaches to content quotas. They focus on ensuring domestic production, production in a certain languages, in-house production, or combinations of the these. Content quotas have traditionally been applied in the audio-visual sector, especially in film, TV and radio. More recently, the regulation for content quotas has been extended to online platforms (Broughton-Micova 2020) and applied platforms for subscription video on demand (SVoD), which now need to provide a 30% share of European works. It should be noted that, whilst welcome, audio-visual regulation generally does not cover other new forms of content distribution such as sharing technologies, messaging services, and many streaming services. Nonetheless these regulations have been updated in the last 2 years through the AVMSD directive, which is currently being implemented by Member States and is allowing them to set investment obligation to fund local production or set an obligated share of European works in digital streaming catalogues (<https://ec.europa.eu/digital-single-market/en/audiovisual-media-services-directive-avmsd>).

There are also special regulations concerning the amount and content of advertisement, and content unsuitable for children. This primarily concerns minor viewers of tv, film and streaming services, including platforms for sharing (e.g., YouTube), which are to be protected from product placement and unhealthy foods (like sugar). But they also apply to consumer product commercials for adults on tobacco and alcohol. There are limits as to how much commercial time of the total broadcast time suppliers may include (max 20%) and special regulations on commercials in news programmes.

Added to this regulatory framework are the many types of subsidies and incentives that member states, and regions, give to film and TV production. Subsidies regimes are also important to virtually all other sectors of the cultural and creative industries. The 2014 (amended in 2017) General Block Exemption Regulation on state aid, provided conditions for member states to give state aid to culture and heritage conservation and to the audio-visual sector without the obligation to notify the

Commission (see also the CICERONE report D3.1 *A review of tariff barriers and trade costs affecting the Creative Industries across European borders* by Pratt et al 2019).

Subsidies and incentives, and the extensive quota regulation, do not yet fully help European audio-visual industries compete globally. As Kern (2020) points out:

“Whilst EU intervention from a regulatory point of view has, on balance, a very positive effect on the CCS, it has failed to help the industries’ capacity to compete globally. (...) As a result, whilst the continent can boast a large number of talents in the CCS sectors, the EU’s market share in China or North America remains negligible (less than 7% in film, music or book publishing for instance) whilst the market share of US programming in the EU has remained stable (between 60 and 70% in cinema for instance)”. (Kern 2020:3)

The current regulatory situation keeps European local industries alive, but more might need to be done in order to increase the competitive power of European companies in global production networks. Whilst quotas and subsidies are helpful to sustain a local industry, they are not sufficient to build a competitive one that can strategically leverage global production networks. There should be more incentives for European companies to work together and pool their resources to develop internationally. It should also be pointed out that the EU and national support structures, for example for film, also have regional consequences in making certain places centres for production capacity, which may be helped further by strengthened local policies to facilitate production. This might help concentrate resources and have clustering effects that can help sustain the audio-visual field. The downside of this is that those regions are becoming all the more dependent on political decisions, on several administrative levels, that might affect these companies and related labour markets.

6. Intellectual property right regulation

There are only few topics that make the extremely diverse cultural and creative industries unite, but one commonality across all industries is their dependency on intellectual and immaterial property rights (see for example <https://www.wipo.int/publications/en/details.jsp?id=261&plang=EN>). EU regulatory frameworks relating to intellectual property rights are, in principle, well developed. However, changing and complex business environments, digital transitions, and the myriad sets of flows across borders and stages of production mean that there is a need for awareness and reassessment.

European coordination in the area of IP is well-developed and central to the underlying regulatory frameworks that CCS depend upon. Whilst started with harmonisation initiatives in the 1980s, it is only from 2001 onwards that there has been common legislation in the Union, when the development of new communication and digital technologies triggered the development of new all-union legislation in this field. In Europe and many other countries around the world, copyrights are 'automatic', which means that they apply to any creative work without having to be registered or 'patented'. This is a consequence of the 1886 Berne Convention that all EU member states signed <https://www.wipo.int/treaties/en/ip/berne/>. According to this convention, the copyright remains in many cases in place to at least 50 years after the death of the author, but may be extended by countries if deemed necessary. For example, the EU extended in 2011 copyrights for performers and sound recordings to 70 years. There are some variations between countries concerning details and interpretation, but across the entire EU copyrights are essentially "hard law", not only in the different EU member states, but also at the EU level, and have been regulated in a number of legally binding decisions.

For GPNs in the CCS, copyright law is a fairly straightforward set of regulations that are well-known and well-understood, and enjoy a high degree of legitimacy and social underpinning in practices and relations throughout society in general and the cultural economy in particular. For the CCS, copyrights are a foundational stone and any changes in them (such as increasing use of creative commons) would echo throughout entire global production networks potential changing the current balance between their actors.

Despite widespread acceptance of copyright law and standards there have been challenges to copyright. One such challenge has been the pirate party movement which advocated for a 'free internet' that includes the right to download copyrighted material without payments. Other movements that challenge the accepted idea of guarding copyrights and intellectual property, are those surrounding the idea of Creative Commons, and the Open Access-movement. Both aim to make cultural and scientific intellectual property more freely available, despite IP and copy rights.

With the rapid growth of digitisation and the digital distribution of cultural content we might expect a number of regulatory issues to arise. The EU directives of 2019 on the Digital Single Market address related issues, but will only be fully implemented in member states' national legislations in 2021. How courts interpret the new laws remains to be seen. As the section further below outlines, the Digital Single Market project is a positive move in the direction of better extending and adapting copyright to digital processes and spaces. In particular the new legislation extends consumer protection online and publishers and creators are given a strengthened position.

Apart from the Digital Single Market project, the European Commission has been active in many areas of IPR directly relevant to the CCS. Copyright in Europe is dependent on European laws, directives and on international conventions to which the European Union is a member (such as the TRIPS Agreement) and which Member States have adopted (such as the afore mentioned Berne Convention). Below are some of the regulatory interventions made by the EU which could be considered most important to cultural and creative intellectual property and the ability to enforce those rights:

- The 2001 *Information Society Directive* harmonised aspects of copyright law across Europe and implemented the WIPO Copyright Treaty.
- Directive 2001/29/EC grants authors and certain related rights owners, such as performers, producers of phonograms and first fixations of films, a number of exclusive rights, some of which are relevant when their works or other protected subject-matter are used by online content services.
- Directive 2006/115/EC of 12 December 2006 – The rental and public lending right Directive grants a right of equitable remuneration for broadcasting and communication to the public for performers and phonogram producers (for services which are not interactive/on demand).
- In 2011 the *Directive on orphan works* (works with no clear copyright owner) was enacted to facilitate cross-border digitisation and dissemination of orphan works.
- The 2011 amendment to the 2006 *Directive on the term of protection of copyright and certain related rights (2006/116/EC)* extended the term of protection for performers and sound recordings to 70 years.
- The 2012 *Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market* aims at a legal framework to ensure better governance and transparency in relation to the collective management of rights that are administered by collecting societies on behalf of rightsholders.
- Signing in 2013 of *Beijing treaty* which extended economic and moral rights to audio-visual and live performances.
- Directive 2014/26 of 26 February 2014 on collective management of copyright and related rights.

- Regulation (EU) 2017/1128 of 14 June 2017 on cross-border portability of online content services in the internal market which has been applied since 1 April 2018 ('the Portability Regulation').
- The 2018 Marrakesh Treaty (Directive (EU) 2017/1564 Regulation (EU) 2017/1563) which aims to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.
- The 2019 Directive on Copyright in the Digital Single Market is part of the EU's Digital Single Market project and aimed, amongst other things, to protect press publications, reduce the gap between profits made by content creators and platforms and encourage more collaboration between platforms and creators <https://eur-lex.europa.eu/eli/dir/2019/790/oj> Directive (EU) 2019/790 of 17 April 2019 on copyright and related rights in the Digital Single Market has to be transposed by Member States by 7 June 2021 ('the new Copyright Directive').
- Directive (EU) 2019/789 of 17 April 2019 on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs, which has to be transposed by Member States by 7 June 2021.

What is important at this stage for CCS actors and firms are (i) evolving technologies that affect the standard of rights, and (ii) the enforcement/management of copyright in general in a global marketplace. There exist non-governmental networks and associations – for instance copyright collecting societies – dedicated to enforcing and collecting members copyrights. These are essential to the workings of the CCS in European and global markets but these are primarily national in character and are not evenly developed throughout the Union.

Measures to support the further networking and sharing of information between collecting societies are an important area of the regulatory framework for CCS that could be further supported by European actions.

Evaluation of ways to ensure payment of copyright fore content uploaded on digital platforms without the owner's consent - a new directive has set a process of negotiation between stakeholders to remedy the situation at national level (the value gap issue) but further examination and regulation may be needed.

Further examination of the extension of Geo-blocking regulation to audio visual content.

7. Competition regulation, monopolies and platform economies

We have already alluded to a key feature of the structure of the CCS: the existence of few very large companies and a large number of minor or small firms and self-employed. Very large firms can dominate markets and use their market position to effect prices, standards and consumer choice. In some sectors of the CCS the scale of market share accounted for by a small number of large private or public actors suggests that monopoly or oligopolistic situations have arisen. Regulation exists to tackle such situations, but we argue that further thought can be taken to evaluate and remedy unfair competition practices and the speed with which regulation is applied.

Monopolies can stifle competition and have well-known and well-studied negative effects on trade, prices, and consumer choice: they generally provide, though not always, fewer goods at higher prices. In GPNs within CCS there are many examples of monopolistic or oligopolistic situations. Examples are the control of 80% of the music market by three international music companies (Sony – Universal – Warner); the dominance of online streaming sites like Netflix and Prime Video for film and TV, and Spotify and Apple Music for music; and the impact of platforms such as Amazon on the retail of books. An important legal instrument to try to avoid monopolies is competition and anti-trust legislation. The EU has frequently used its competition and anti-trust legislation to hinder the formation of large and dominant companies in the field of cultural production:

“The scrutiny of EU anti-trust authorities regarding the dominant positions of large media players. This led to the blocking of the Time Warner-EMI merger in 2000 (music business) and then subsequent investigations and decisions in the Sony-BMG merger in 2006 (music publishing) and the Universal Music Group (UMG) / EMI merger (2017). Similar interventions took place in the Pay-TV, collective rights management and book publishing businesses to prevent monopolistic positions from developing at national or European level thus affecting price and by consequence the cultural offer”. (Kern 2020: 3)

Competition and anti-trust regulations are well-developed (EU competition policy was already in the Treaty of Rome) and have been used in the CCS in relation to mergers and acquisitions in areas like publishing, fashion and music. Continued application of competition regulation in the CCS is necessary, as is continued vigilance and oversight for cases and sectors where emerging monopolies or oligopolies are taking shape.

Monopolies need attention and regulation, but it must be noted that in many of the CCS monopolies occur and that monopolistic competition is a key feature of how firms act and where they work towards. Market and audience size matter for how we perceive and treat monopoly-like situations

and how we need to regulate for and against them. Many of the CCS provide experience or performance-based products and audiences tend to be predominantly local. Local 'cultural monopolies' are a common feature of the CCS, but also constitute an understudied phenomenon that may demand further regulatory attention. With the exception of some of Europe's largest cities, local or regional cultural markets may not have sufficient demand for a wide range of competing venues or markets. If the relevant sector is highly niched, this can further narrow the field. In such cases, monopoly situations can quickly arise and receive support in the form of state funding. For example, the regional opera house, concert hall, theatre, or modern art gallery might have little or no competition, be the dominant apex for exhibition or performance and be heavily publicly subsidised. Public cultural institutions are often, in relation to creators, audiences, and the market at large, local monopolies within their cultural and economic niche. In most cases, such institutions are central and important infrastructure for the CCS, but their dominant role in the local production and consumption of for example opera, can threaten diversity and openness.

Regulation must be alert to the extent and dynamics of control/influence such institutions, and their key staff, can exert.

Cultural production is often extremely specialised which gives rise to very large numbers of local monopolies. This fact, which is not well covered in the academic cultural-economic literature, may demand further regulatory attention. What is clear is that competition in relation to extreme specialisation may become locally problematic in relation to market size, and that this is a condition prevalent in parts of the CCS.

The desire to build toward a monopoly can also be a part of CCS practice and in many cases is even at the essence of CCS competition (Power 2010). In monopolistic or 'Chamberlinian' competition firms or creators attempt to create monopoly power often through the use of copyright (such as a book title) or through branding and differentiation (Scott, 2000). The existence of so many close substitutes (the other competing copyrighted books or branded jeans) could mean that monopoly rents are minimal but the winner-takes-all nature of cultural markets mean that superhits can generate huge monopoly rents. However, this is not the same as the existence of monopolistic or oligopolistic firms that distort the market. This type of monopolistic competition can be a spur to innovation and be a way of ensuring profits from creativity to the greatest number of creatives.

This underlines again the importance of intellectual property protection and policing.

Changes to regulation can have important effects on the dynamics of competition in the CCS. The liberalisation and de-regulation of the economy throughout the Union, at least since the 1970s, has led to large number of state monopolies within a wide array of industries – from air companies to broadcasting –, but which have now lost their privileged position and are facing competition on more equal terms within the EU. Equally, EU regulation regarding free trade and the internal market and of global trade agreements enabled increased competition. In the CCS, the regulatory picture is slightly different from other areas of the economy, as there are still some regulations left that protect national markets within the cultural field. In trade regulation, culture is to a degree exempted from GATT related regulations (see the CICERONE reports D3.1 *A review of tariff barriers and trade costs affecting the Creative Industries across European borders* by Pratt et al 2019). In some sectors, such as architectural design, particular national standards like building standards and liability regulations have hindered fully free cross-border competition. In other sectors of the CCS, it is local language that limits cross-border competition. Nevertheless, liberalisation has had a huge impact on the CCS regarding state monopolies, especially within the audio-visual field.

8. Digital single market?

Digital transitions have brought new levels of monopoly and market domination in the stages of the product chain where competition was previously more fragmented. In particular, the advent of streaming services for film, television and audio products such as music has not only been accompanied by the entry of a large number of services, but also by the emergence of a few dominant platforms that essentially control entire digital ecosystems and have the power to make the rules. Consumers have rapidly adopted to such new technologies and consumption of media has shifted away from broadcast and print media to online media and platforms. In this context, it is worth considering Europe's position vis-à-vis American suppliers. As Kern (2020) points out, European alternatives in this field are being 'dwarfed' in relation to the American companies. From a European perspective, and in relation to cultural offer and diversity, including linguistic aspects according to the Lisbon Treaty, further regulation might be needed as this technological shift of the TV and film industries unfolds and the market settles. In music, the streaming platforms from Spotify (Sweden) and Apple (US) currently dominate European music distribution and consumption online. Other types of cultural and creative content distributed or viewed online is also subject to the influence of dominant firms that control social and information media spaces, in particular US-based Google and Facebook.

Many of the technology-driven changes and spaces have taken place in a regulatory landscape characterized by a lag between economic possibilities and regulatory restraints, potentially allowing large companies to gain domain positions in a manner largely unfettered by regulation.

Technological convergence has the potential to tip the balance of power across production systems. It is clear that the competition situation in the cases of music, film/television, and content sharing in social media is worrying and that regulation must continue to address this issue.

In light of such challenges, the European Commission initiated major policy and legislative reforms as part of the Digital Single Market (DSM) project. In 2019, the EU issued new legally binding Directives regarding the Digital Single Market to try to catch up with the inadequacies of existing regulation for dealing with digital markets. To a large extent these EU Directives are crucial to the future of Europe's CCS and the value chains and production networks they rest upon.

The DSM project is about creating a regulatory environment for digital economy of the creative and cultural sector. Particular areas of policy and regulation are addressed:

- Modernisation of the EU copyright framework
- Updating of the Audio-visual Media Services Directive
- Regulating for a sustainable ecosystem of Online platforms
- Regulations on value-added (VAT) or sales tax rate convergence between on-line and physical spaces
- Regulation in the area of e-commerce addressing Geo-blocking

When this report was being finalized, the European Commission launched new rules governing digital services in the EU as part of the move towards a digital single market. This is comprised of two legislative initiatives - the Digital Services Act (DSA) and the Digital Markets Act (DMA) – aimed at user safety and rights and a creating a more level playing field.

It is clear that regulation of this type and at the level of the EU is essential to secure a vibrant cultural offer, accessibility and conditions in which small as well as large creative and cultural actors can build sustainable and innovative works and work.

9. Conclusions

In this report, we have pointed to policy and regulation areas central to CCS from a Global Production Network perspective. This approach pays attention to how the actions and flows associated with the production of a good link the local to the supranational. It alerts us to the diverse context for regulation and policy, which not only span large and small companies and actors, but also the range of territorial administrative scales from the very local to the supranational, and in some case the global. When looking at the regulatory context this way, it becomes clear that policies of concern for the CCS span what are often regarded as different policy fields (e.g., cultural policy, trade policy, industrial policy), as well as different policy jurisdictions, mandates, and regimes. Taking a Global Production Network approach involves understanding multi-place and networked forms of production prevailing in the CCS. It involves somewhat leaving the usual territorial perspective on policy to pay attention on how regulation in different stages in a production chain effect all stages, and how an understanding of the whole network can help us better understand sectoral needs.

We have suggested points of interest for further policy development and also where more research is needed. Concerning some of these, we found that in some areas there is already a large debate and that new policy is being formulated (e.g., concerning the Digital Single Market, media flows and rights and revenues stemming from these). In other cases, what emerged is less discussed: e.g., that some parts of the CCS could benefit from actions inspired by regulation concerning regional food. This is also an example of how regional cultural expressions could be strengthened without territorially based support policies, but rather a common EU-wide approach that protect cultural diversity as well as the production networks of these products. We have also written about the role of regulation in relation to monopolies, but observed that in the CCS a monopoly can occur in different ways: one example concerns the role of local cultural monopolies, which have been much neglected in research, but often command important aspects of the distributive and consumer stages in the value chain, hereby likely also affecting the stages concerned with creation and production.

In concluding this report, we may state that there is much left to be done to arrive at comprehensive regulatory frameworks for a sector which relies on production networks linked across different spatial scales to fulfil its potential throughout Europe.

10. Methodological appendix

This report builds upon academic literature, web sources, and documents on regulation and other secondary sources. In relation to WP3, Annex 1 (Part A) of the DoA states that the material used in WP3 should “primarily be collected from various secondary sources. The sources will be both public and private, formal and informal sources.”. However, alternative and more experimental methods in this line of research, such as interviews or on-line surveys were also considered during the research planning process but were deemed inappropriate given the aims of this report on the general regulatory context, as well as in relation to the report’s role in WP3 at large. This report and WP3 should generally be seen as part of the wider CICERONE project, a project in which primary data collection and analysis is the main method.

The methodological focus for this report has been on secondary sources. The report is part of a much wider project and is intended to help inform this wider project by using existing sources to explore “the regulatory issues, not simply with the final product/service, but with all stages in its creation. Particular attention will be paid to both the regulation of monopolies, and the regulation of freelancers: the well-populated extremes of the sector” (Annex 1 (Part A) of the DoA, page 19). “This section examines the general context of the operation of the CCS and the regulatory environment. Particular attention will be paid to both the regulation of monopolies (and overlaps with D3.1), content regulation, and the (de-)regulation of ‘independent’ /freelance workers, production quotas, and access to digital distribution systems. Technological convergence has to potential to tip the balance of power across production systems, and regulation is a dynamic tool. It is expected that this report will focus on the particular balance that regulators seek to manage.” (Annex 1 (Part A) of the DoA, page 20).

Given that the report examines the “general context” of the CCS with regards to the regulatory environment - which is a very large and splintered environment – a careful sampling and purposeful selection of sources was necessary. In order to cover what is really a variety of legal and regulatory environments, given the character of the CCS and of production networks, the material selected mirrored selected focus areas identified in WP1 and in Annex 1 (Part A) of the DoA: for example, the regulation of monopolies and the role of trade regulation. In the process of selection, and of the research, we have engaged with both public and private sources. Public in this context relates to written material produced by public official institutions (like the various administrative bodies of the European Union), and private relates to material produced within civil society, including NGOs, unions, businesses, consultants and the like. These are all to be regarded as formal sources and the material stemming from them are often easily available in web archives or libraries.

In the selection of material and sources for this report we have strived to identify the most recent and most relevant “base line” documents and then engage them in an academy-driven discussion that focus on policy possibilities and mismatches. This research strategy resulted in the identification of a number of possible policy action areas grounded at the intersection between research on the CCS on the one hand and current regulation of the CCS on the other. A further prerequisite, in our understanding, for this research strategy to work is that we employed a heuristic approach that also engages with our collective preunderstandings of the CCS, and of the research literature, and thus also draws upon our experiences in previous research projects. To an extent these experiences represent the implicit, tacit and “informal” aspects of the epistemological field we represent but which nevertheless guides the research towards certain ends. In this way, informal methods were at work during the research process. To be sure, this is the case in all research but this aspect might have a more pertinent role in qualitative text-based research of this kind. In other words, previous experiences of research are always present in current research and we have chosen to engage with those experiences in the present report in our interpretation of the regulatory environment.

Thirdly, in addition to the secondary material and the hermeneutics described above, the report is also based on both formal and informal discussions and interactions (primarily regarding ideas to be further explored on the bases of secondary sources) within (a) the research team at Stockholm University, and (b) within the CICERONE-project which consists of 25 experts in the field of CCE research as well as a scientific advisory board. The expertise that gets directly and indirectly represented in the report is wide-ranging.

References

- Brenner, Niel and Nik Theodore. 2002. Cities and the geographies of “actually existing neoliberalism”. *Antipode* 34(3): 349-379.
- Borén, Thomas; Patrycja Grzyś and Craig Young (2020a) Intra-urban connectedness, policy mobilities and creative city-making: national conservatism vs. urban (neo)liberalism. *European Urban and Regional Studies* 27(3): 246–258.
- Borén, Thomas; Patrycja Grzyś and Craig Young. 2020b. Spatializing authoritarian neoliberalism by way of cultural politics: city, nation and the European Union in Gdańsk’s politics of cultural policy formation. *Environment and Planning C: Politics and Space*. DOI:10.1177/2399654420965239
- Borén, Thomas and Craig Young. 2016. Conceptual export and theory mobilities: exploring the reception and development of the “creative city thesis” in the post-socialist urban realm. *Eurasian Geography and Economics* 57(4-5): 588-606.
- Broughton-Micova, Sally. 2013. Content quotas: what and whom are they protecting? In: Karen Donders, Caroline Pauwels, and Jan Loisen (eds.) *Private Television in Western Europe: Content, Markets, Policies*. Palgrave Macmillan, Basingstoke, pp. 245-259. See http://eprints.lse.ac.uk/57843/1/Broughton_Micova_Content-quotas-what-whom-are-they-protecting_2013.pdf.
- Broughton-Micova, Sally. 2020. The Audiovisual Media Services Directive: Balancing Liberalisation and Protection (Draft) (February 11, 2019). In: Elda Brogi and Pier Luigi Parcu (eds.) Forthcoming *Handbook on EU Media Law and Policy*. Edward Elgar Publishing. Available at SSRN: <https://ssrn.com/abstract=3586149>
- Bustikova L and Guasti P. 2017. The illiberal turn or swerve in Central Europe? *Politics and Governance* 5(4): 166–176.
- Charter on fundamental rights of the European Union (2000) *Official Journal of the European Communities* (2000/C 364/01).
- Coe, N.M. and H.W. Yeung. 2015. *Global production networks: Theorizing economic development in an interconnected world*. Oxford: Oxford University Press.
- Daubeuf, Cémentine; Andy Pratt, Elisabetta Airaghi and Teodora Pletosu (2020) Enumerating the role of incentives in CCS production chains. CICERONE 3.2. Open Access: <https://cicerone-project.eu/results/>
- d’Hauteserre, Anne-Marie. 1999. The French mode of social regulation and sustainable tourism development: The case of Disneyland Paris. *Tourism Geographies* 1(1): 86-107.
- d’Hauteserre, Anne-Marie. 1997. Disneyland Paris: A Permanent Economic Growth Pole in the Francilian Landscape. *Progress in Tourism and Hospitality Research* 3: 17–33.
- Directorate General for Internal Policies of the Union. 2015. The European legal framework on hate speech, blasphemy and its interaction with freedom of expression. European Parliament.
- Ekonomibyrån. 2020. Streamingkriget [The Streaming War], SVT 13 October.

- Elkin-Koren, Niva. 2006. Creative Commons: A Skeptical View of a Worthy Pursuit. In: P. Bernt Hugenholtz and Lucie Guibault (eds.) *The future of the public domain*. Kluwer Law International. Available at SSRN: <https://ssrn.com/abstract=885466>
- European Agenda for Culture (2018) European Commission COM/2018/267 final. Available at: EUR-Lex - 52018DC0267 - EN - EUR-Lex (europa.eu)
- Evans, Graeme. 2009. Creative cities, creative spaces and urban policy. *Urban Studies* 46: 1003–1040.
- Florida, Richard. 2002. *The rise of the creative class*. New York: Basic Books.
- Florida, Richard. 2005. *Cities and the Creative Class*. London: Routledge
- Green paper from the Commission. 2010. Green paper from the Commission on policy options for progress towards a European Contract Law for consumers and businesses. Brussels: European Commission. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0348:FIN:en:PDF>
- Gross, Jonathan; Jarna Heinonen, Chiara Burlina, Roberta Comunian, Bridget Conor, Alessandro Crociata, Tamsyn Dent, Ignasi Guardans, Ulla Hytti, Kaisa Hytönen, Valeria Pica, Tommi Pukkinen, Mieke Renders, Pekka Stenholm, Nick Wilson. 2020. Managing Creative Economies as Cultural Eco-systems. European Policy Brief. Open Access: www.disce.eu
- Harvey, David. 2002. The art of rent: globalization, monopoly and the commodification of culture. In: L. Panitch and C. Leys (eds.) *A world of contradictions: Socialist register*. New York: Monthly Review Press. (pp. 93-110)
- Hesmondhalgh, D and A.C Pratt. 2005. Cultural industries and cultural policy. *International Journal of Cultural Policy* 11 (1): 1-13.
- KEA (2015) Feasibility Study on Data Collection and Analysis in the Cultural and Creative Sectors in the EU. Brussels: KEA European Affairs.
- Kern, Philippe (2020) For a Cultural European Union: From a policy to build an internal market to a policy to build a Union. Brussels: KEA European Affairs.
- Kloosterman, Robert C. (2014) Cultural Amenities: Large and Small, Mainstream and Niche—A Conceptual Framework for Cultural Planning in an Age of Austerity. *European Planning Studies* 22 (12): 2510-2525.
- Kloosterman, Robert C; Andy Pratt, Marianna d’Ovidio, Lidia Greco and Thomas Borén. 2019a. Creative and cultural industries and global production network approaches so far: A brief review of the literature and its relevance for creative and cultural industries. CICERONE 1.1 State of the art. Open access: <https://cicerone-project.eu/results/>
- Kloosterman, Robert C.; Marianna d’Ovidio, Lidia Greco, Andy Pratt, Thomas Borén, Joris de Vries (2019b) Overview of CCS research gaps. CICERONE 1.2. Open access: <https://cicerone-project.eu/results/>
- Landry, Charles. 2000. *The creative city*. London: Earthscan.
- Lash, Scott and John Urry. 1994. *Economies of signs and spaces*. London: Sage.
- Markusen, Ann and Anne Gadwa. 2010. Arts and Culture in Urban or Regional Planning: A Review and Research Agenda. *Journal of Planning Education and Research* 29(3): 379-391.

- d'Ovidio, Marianna; Lidia Greco, Thomas Borén, Tove Henriksson, Robert C. Kloosterman and Andy Pratt (2019) Format case study selection. CICERONE D1.3. Open Access: <https://cicerone-project.eu/results/>
- Power, Dominic. 2009. "Creativity and innovation in the Scandinavian design industry." In P Jeffcutt and A Pratt (eds.) *Creativity and Innovation in the Cultural Economy*. London: Routledge. (pp. 200-216)
- Power, Dominic and Atle Hauge. 2008. No man's brand - brands, institutions, fashion. *Growth and Change* 39(1): 123–143.
- Power, Dominic and Johan Jansson. 2010. Fashioning a global city: creating and maintaining global city status in the fashion and design industries, the case of Milan. *Regional Studies* 44 (7): 889-904.
- Pratt, Andy; Thomas Borén, Clémentine Daubeuf and Arthur Le Gall (2019) A review of tariff barriers and trade costs affecting the creating industries across European borders (CICERONE report D3.1) DOI: <https://doi.org/10.5281/zenodo.4534298>.
- Upchurch, Anna Rosser (2011) Keynes's legacy: an intellectual's influence reflected in arts policy. *International Journal of Cultural Policy* 17(1): 69–80.