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EU trade and audiovisual cooperation policies: the promotion of European works in strong foreign markets

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ABSTRACT

Enhancing the presence of European audiovisual works in international markets holds potential for the EU in terms of economic benefits and promoting cultural diversity. This article examines how the EU has handled such potential in its external relations with third countries with advanced economies. It explores how audiovisual issues have been addressed in EU trade, economic and other agreements negotiated with Australia, Canada, China, Japan, South Korea, Singapore, and the UK in line with the seminal 'audiovisual exception', which is firmly embedded in the Union's trade policy. It also investigates the treatment of audiovisual issues through cooperation provisions and dedicated cultural cooperation protocols. Such provisions can support the internationalization of the European audiovisual sector particularly through exchanges, co-productions, policy dialogue, and collaboration within the framework of UNESCO. However, the EU still lacks a comprehensive EU strategy to enhance the promotion and visibility of European audiovisual works in the developed economies concerned.

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1. Introduction

European audiovisual works are of great value to European societies from a cultural and economic point of view. While they enable the expression of cultural values and reflect the plurality of cultural identities in Europe, they also make a key contribution to growth and innovation. Enhancing the presence of European audiovisual works in international markets can thus yield economic benefits and also help promote European cultures and support cultural diversity worldwide. This raises a series of economic and cultural considerations for the treatment of the audiovisual sector in the external relations of the European Union (EU or the Union).

This article examines the ways in which the EU has sought to promote European audiovisual works beyond its borders by focusing on its relations with countries with

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advanced economies and strong audiovisual industries. In particular, it investigates and assesses how the audiovisual sector is addressed in international agreements the EU has negotiated with such third countries, providing a detailed mapping of the provisions therein that pertain to the audiovisual sector. In doing so, the study goes beyond the existing literature, which has largely focused on EU law and policies aimed at promoting European audiovisual works *within* the EU. The latter has thoroughly examined the Union's cultural and audiovisual support programmes, including Creative Europe (European Parliament and Council of the EU (2013; 2021)), highlighting their focus on cross-border cooperation for the circulation of European audiovisual works across the Member States (Erickson and Dewey 2011; Kandyla 2015). As for the literature regarding the audiovisual sector in the Union's external relations, this has mostly centred on trade aspects (Burri 2024; Herold 2005) and EU support for audiovisual cooperation with *developing* countries (Crusafon 2015; Moreno Domínguez and Montero 2009). Key EU cultural policy documents such as the 2007 European Agenda for Culture in a Globalizing World (European Commission 2007), the 2018 New European Agenda for Culture (European Commission 2018), and the 2016 Joint Communication Towards an EU Strategy for International Cultural Relations (European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2016) have also pointed to EU funds and initiatives for audiovisual cooperation with *developing* countries. Less consideration has been given to the Union's relations in the audiovisual field with countries with advanced economies, besides its efforts to explore new forms of cultural diplomacy and rapprochement with such countries through film festivals and joint events (European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2016).

Countries with advanced economies hold significant potential for the European audiovisual industry in terms of promotion and outreach due to the purchasing power of their home audiences, capacity-building, knowledge sharing and exchanges. This study engages in a comprehensive analysis of the Union's positioning on aspects pertaining to trade and audiovisual cooperation with such countries through EU-third country agreements, and explores the contribution (or non-contribution) of the Union's policies and approaches to the *internationalization* of the European audiovisual industry. Internationalization is understood here as a process that enhances European audiovisual works' access to and visibility in non-EU foreign markets, and which also provides opportunities for leveraging skills and enhancing creativity through cooperation between EU and third-country audiovisual professionals, policymakers and relevant stakeholders. As such, the analysis seeks to inform current debates on boosting the Union's competitiveness (Draghi 2024), including the competitiveness of its audiovisual industry.

The analysis addresses various types of trade and economic agreements (i.e. free trade agreements (FTAs), economic partnership agreements (EPAs), investment protection agreements (IPAs), digital trade agreements (DTAs), etc.) and other agreements such as framework agreements (FAs) and strategic partnership agreements (SPAs) which set the broader framework for bilateral cooperation with the EU. Such agreements have been negotiated with the following countries: Australia, Canada, China, Japan, South Korea, Singapore and the UK. Their analysis shows how the EU has traditionally sought to maintain freedom of action in the audiovisual services sector, which reflects its commitment to respect and promote cultural diversity in accordance with the EU Treaties and the

2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO Convention or the 2005 UNESCO Convention) (UNESCO 2005), to which it is party, while concurrently making arrangements for cooperation on a selective basis. Methodologically, the study draws on desk research into the Union's agreements in light of policy documents establishing the EU's aims and strategies for culture and the cultural and creative industries at the international level, relevant legal acts and instruments, the existing literature, policy studies and reports, and insights from three semi-structured interviews with EU officials, conducted online from January to April 2025.¹

The study is structured as follows: [Section 2](#) sets the scene by providing an overview of the Union's cultural powers and its commitment to cultural diversity in the exercise of its policies, including its external policies, with a focus on the audiovisual sector. [Section 3](#) examines the EU – third-country agreements under study and the ways in which they address the audiovisual sector with reference to both trade and cooperation. [Section 4](#) discusses the principal dimensions of audiovisual cooperation in the agreements reviewed which have the potential to expand the reach and visibility of European audiovisual works in the third markets concerned. [Section 5](#) assesses the contribution of the Union's policies to strengthening the presence of European audiovisual works in countries with advanced economies while [section 6](#) offers some concluding remarks on enhancing the internationalization of European audiovisual works and their competitiveness.

2. EU cultural powers, cultural diversity and the audiovisual in EU external policies

The Treaty of Lisbon has identified respect for cultural diversity as a main EU objective in Article 3 of the Treaty on European Union (TEU). The EU's cultural competence, which forms part of the Union's complementary competences,² is also firmly grounded in respect for and the promotion of cultural diversity. Article 167 of the Treaty on the Functioning of the European Union (TFEU), which is devoted to culture, recognizes 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'.³ By referring to *national* and *regional* diversity, Article 167 TFEU addresses respect for cultural diversity *between* and *within* the Member States, making it clear that the Union does not pursue cultural approximation or homogenization; rather it values cultural difference. Article 167 TFEU further specifies that the Union shall encourage *cooperation* between Member States, and shall support and supplement Member States' activity in specific areas, only 'if necessary'.⁴

Article 167 TFEU also addresses the external dimension of EU cultural powers. It provides that the Union shall foster *cooperation* with third countries and competent international organizations in the sphere of culture, in particular the Council of Europe.⁵ Moreover, when developing its external policies, the EU shall take cultural diversity considerations into account. This obligation originates in Article 167(4) TFEU, which introduces a *cultural mainstreaming (or horizontal) clause* (Psychogiopoulou 2008, 2014a, 2022), according to which the Union shall 'take cultural aspects into account' when exercising its competences – internal and external – in order 'to respect

and to promote the diversity of its cultures'. Significantly, the conceptualization of cultural diversity depends on the relative emphasis given to *diversity-as-distinctiveness* or *diversity-as-pluralism* (de Witte 2008, 2024). Whereas the former centres on the preservation of Member States' (national and regional) cultures, the latter is more focused on cultural interaction and contacts. Respect for cultural diversity can thus be as much about respecting the cultural identities of Member States, and about cultural exchanges and enhancing opportunities for access to and enjoyment of diverse cultures.

The EU's commitment to cultural diversity also derives from the 2005 UNESCO Convention. The UNESCO Convention acknowledges the significance of cultural diversity, recognizing the right of states to formulate and implement cultural policies, as well as the special status of cultural goods and services given their dual nature: economic and cultural.⁶ The UNESCO Convention defines cultural diversity as 'the manifold ways in which the cultures of groups and societies find expression', affirming that cultural diversity 'is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed [...], but also through [...] artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used'.⁷ The EU approved the UNESCO Convention on 18 December 2006 (Council of the EU 2006), and thus became duty-bound to respect and implement its provisions in its policies.⁸ Regarding its external policies in particular, the Union is required to protect and promote cultural diversity through reinforced international cooperation,⁹ and to 'take into account the [...] Convention' when interpreting and applying its existing international obligations or when entering into new ones.¹⁰ In the field of international trade in particular, the EU has historically refrained from making any commitments to liberalizing trade in audiovisual services, while also maintaining this position at the World Trade Organization (WTO). During the Uruguay round on multilateral trade negotiations, which led to the adoption of the General Agreement on Trade in Services (GATS) (WTO 1995), the then European Community (EC) abstained from making any audiovisual commitments on *market access* and *national treatment*. Market access prohibits restricting the delivery of foreign services and the entry of foreign service suppliers into one's own market,¹¹ whilst the principle of national treatment prohibits discrimination between domestic and foreign services or service suppliers.¹² The EU was not alone in doing so: many WTO members were equally unwilling to schedule audiovisual commitments, with notable exceptions being the United States, Japan and New Zealand (Burri 2024). Through this *audiovisual exception*, as stated by the European Commission (Commission), the EU sought to preserve policy space for itself and its Member States for the formulation and implementation of cultural diversity strategies and the promotion of European audiovisual content (European Commission 2009, 8). Furthermore, the EC and the Member States notified exemptions from the application of the *Most Favourable Nation* (MFN) principle, which requires parties not to discriminate among their trading partners,¹³ in order to maintain avenues for preferential audiovisual cooperation with selected third countries (Psychogiopoulou 2014b, 69).

3. The audiovisual sector in trade, economic and other agreements with third countries with advanced economies

EU trade, economic and other agreements negotiated with countries with advanced economies address the audiovisual sector against the backdrop of core WTO rules and the seminal *audiovisual exception* (or *exclusion*). Notably, the audiovisual services sector is excluded from the scope of the respective sections and chapters dealing with trade in services – along with other issues such as investment, subsidies and state-owned enterprises – across the agreements studied.

For instance, the EU-Korea FTA, signed in October 2010 (EU and South Korea 2011) and in force since December 2015 (Council of the EU 2015), expressly excludes audiovisual services from its chapter on trade in services, investment and electronic commerce.¹⁴ The EU-Japan EPA, signed in July 2018 (EU and Japan 2018a), and in force since February 2019 (Council of the EU 2018a), excludes audiovisual services from its sections on investment liberalization,¹⁵ cross-border trade in services¹⁶ and electronic commerce,¹⁷ as well as from the chapter on subsidies.¹⁸ Similarly, the EU-Singapore FTA (EU and Singapore 2019), signed in October 2018 (Council of the EU 2019), excludes audiovisual services from its sections on the cross-border supply of services¹⁹ and the establishment of economic activities.²⁰ The exclusion of audiovisual services is also a feature of the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada (EU and Canada 2017), and specifically its chapters on investment,²¹ subsidies and government support,²² domestic regulation²³ and the cross-border trade in services.²⁴ However, while this exclusion applies to both parties, Canada extends its application to the cultural industries more generally. The CETA also mentions the UNESCO Convention, reaffirming the parties' commitment to it.²⁵ It entered into force provisionally in 2017 (Council of the EU 2017).

The audiovisual exception also governs trade relations between the EU and the UK following Brexit and the entry into force of the Trade and Cooperation Agreement (TCA) in May 2021 (EU and the UK (2021); Council of the EU 2021). The audiovisual services sector is excluded from the TCA's title on services and investment,²⁶ the chapter on subsidy control,²⁷ and the chapter on state-owned enterprises, enterprises granted special rights or privileges, and designated monopolies.²⁸ The title on digital trade, which establishes, inter alia, a ban on customs duties on electronic transmissions and on requiring prior authorisation for the provision of a service by electronic means, does not apply to audiovisual services, either.²⁹ Moreover, audiovisual services are excluded from the scope of the DTAs that the EU has more recently started to negotiate with advanced economies, and which are meant to complement FTAs. Such DTAs have been concluded with South Korea (EU and South Korea 2025) and signed with Singapore (Council of the EU 2025).

Audiovisual services are also excluded from the scope of the investment-specific agreements the EU has signed with Singapore and with China. The IPA between the EU and Singapore (EU and Singapore 2018), which was signed in October 2018 (Council of the EU 2018b), excludes audiovisual services from the application of the principle of national treatment in cross-border investments.³⁰ The EU-China Comprehensive Agreement on Investment (CAI) (EU and China 2020), which was agreed in principle in December 2020, excludes audiovisual services both from the section on investment liberalization³¹ and from commitments vis-à-vis the transparency of subsidies.³² The

negotiations also demonstrated China's oversight policy over the audiovisual: audiovisual services were included on China's negative list concerning the sectors with no or restricted investment liberalization obligations on national treatment and on the so-called 'performance requirements' which introduce certain obligations for foreign investors. Consequently, with regard to radio and television, EU investments in broadcasting and transmission services, as well as in programme production and operation in China, are prohibited.³³ With respect to film, the list bans EU investments in cinema companies and in the introduction of overseas films.³⁴ EU investment in film production and distribution is subject to prior approval by the Chinese government.³⁵ China's schedule further imposes limitations concerning network audiovisual services. It states that 'foreign investors may not invest in network audiovisual services [...]; and that the yearly aggregate volume of overseas films and television series introduced to be exclusively used for information network shall not exceed 30% of the aggregate volume of domestically produced films and television series used for information network in the previous year.'³⁶ The latter effectively introduces a quota on the import of European films into China online (Vlassis et al. 2021, 8).

The audiovisual exception notwithstanding, agreements between the EU and advanced economies often make arrangements for *cooperation* in the audiovisual sector – or in the cultural sector more broadly – between the parties. The earliest of the texts studied that stipulates such cooperation is the Protocol on Cultural Cooperation (PCC) annexed to the EU-South Korea FTA, which entered into force along with the FTA in 2015 (Council of the EU 2015). The PCC makes reference to the UNESCO Convention right away, in the preamble: it recognizes the importance of the cultural and creative industries, as well as the 'multi-faceted nature of cultural goods and services' in line with the Convention.³⁷ It states its aim as being to protect and promote cultural diversity and dialogue via the development of cultural policies, cooperation and exchange between the parties.

The PCC contains both horizontal and sectoral provisions. Its horizontal provisions, which apply to all cultural sectors, provide that the EU and South Korea shall aim at fostering 'their capacities to determine [...] their cultural policies, developing their cultural industries and enhancing exchange opportunities for cultural goods and services [...], including through entitlement to benefit from schemes for the promotion of local/regional cultural content.'³⁸ Activities include the exchange of information on cultural and audiovisual matters through dialogue within the framework of a Committee on Cultural Cooperation (CCC) and other relevant fora.³⁹ The CCC, composed of officials from within the administration of each party, is responsible for overseeing the implementation of the PCC and the settlement of disputes arising from it.⁴⁰ The PCC's sectoral provisions pay particular attention to the audiovisual sector and focus on co-productions,⁴¹ although they also cover other types of cooperation. These relate to festivals, seminars, cooperation, exchanges between the broadcasting industries and of audiovisual works, the promotion of each party's territory as a location for the shooting of films and TV programmes, the rental and leasing of the technical material and equipment necessary to create and record audiovisual works, and the temporary importation of material and equipment for shooting audiovisual works.⁴² Other areas of cooperation relate to facilitating the application of international and regional standards to ensure the compatibility and interoperability of audiovisual technologies.⁴³

Concerning audiovisual co-productions, the parties agree to encourage the negotiation of new – and the implementation of existing – co-production agreements between one or more EU Member States and South Korea, and to permit the granting of financial benefits to co-produced audiovisual works as defined in relevant bilateral agreements.⁴⁴ They also allow co-produced works to benefit from related schemes for the promotion of local/regional cultural content.⁴⁵ In fact, both parties commit to entitle co-productions that meet certain conditions⁴⁶ to the same treatment as national works in their respective markets. EU-South Korean co-productions qualify as ‘South Korean works’,⁴⁷ and can thus benefit from South Korean requirements for the promotion of domestic content. They also qualify as ‘European works’,⁴⁸ and are therefore eligible for inclusion in the framework established for the promotion of European content foreseen in the Audiovisual Media Services Directive (AVMSD).⁴⁹

The PCC between the EU and South-Korea is unique in so far as none of the trade and other economic agreements concluded between the EU and other advanced economies include a similar protocol. However, provisions on audiovisual and/or cultural cooperation are incorporated in other types of agreements, such as FAs and SPAs, that structure the EU’s bilateral relationships with partner countries, and define the scope and terms of their cooperation. These include the SPA between the EU and Canada (EU and Canada 2016), the SPA between the EU and Japan (EU and Japan 2018b), and the FA between the EU and Australia (EU and Australia 2017).

The EU-Canada SPA builds upon the 2004 EU-Canada Partnership Agenda (EU and Canada 2004). This acknowledged the importance of cultural diversity, stating that the parties have ‘a shared need to ensure the promotion of recognition of cultural diversity multilaterally’ (EU and Canada (2004), 6). The parties agreed therein to ‘examine ways to deepen their cooperation on cultural matters in international fora’, including ‘the development of a UNESCO Convention on Cultural Diversity’ (EU and Canada (2004), 6). This commitment was realized with the conclusion of the UNESCO Convention in 2005.

The EU-Canada SPA was signed in October 2016 and provisionally entered into force later that year (Council of the EU 2016). The text does not refer explicitly to the audiovisual sector. However, it affirms the shared commitment of the EU and Canada to the protection and promotion of the diversity of cultural expressions.⁵⁰ The parties aim to further this commitment by seeking new ways to foster relationships – through people-to-people contacts, exchanges through NGOs and think tanks, youth and other economic and social partners; by promoting the UNESCO Convention; and by facilitating institutional cooperation and dialogue between professionals.⁵¹

Unlike the EU-Canada SPA, the SPA between the EU and Japan explicitly provides for audiovisual cooperation. This SPA addresses culture as an area of sectoral cooperation, including cooperation in audiovisual works and films.⁵² Specifically, the parties commit to enhance the exchange of persons engaging in cultural activities, and to carry out joint initiatives in various cultural areas which cover audiovisual works. This could be interpreted as including co-productions. The parties also agree to encourage dialogue and cooperation between their civil societies and institutions in cultural sectors, and to cooperate at the level of UNESCO to pursue common objectives in the area of culture.⁵³ The EU-Japan SPA entered into force in January 2025 (Council of the EU 2024).

The EU-Australia FA features a title on cooperation in the area of education and culture which includes a specific article on cultural, audiovisual and media cooperation.⁵⁴ The

parties commit to enhance knowledge of their respective cultures, strengthen cultural exchanges, and carry out joint initiatives, under available cooperation instruments and frameworks⁵⁵ such as the Erasmus+ programme,⁵⁶ Europe Centres,⁵⁷ and the EUNIC network.⁵⁸ They also commit to promote the mobility of culture professionals, encourage intercultural dialogue between civil society organizations and individuals, and engage in policy dialogue in relevant international fora, especially UNESCO, with a view to pursuing common objectives and fostering cultural diversity, including through the implementation of the UNESCO Convention.⁵⁹ The parties shall also support cultural cooperation within the framework of the Asia-Europe Meeting (ASEM) – a forum for dialogue that brings together European and Asian partners, particularly through the Asia-Europe Foundation (ASEF)⁶⁰ – and coordinate their positions within regional and international organizations.⁶¹ Regarding the audiovisual sector in particular, the parties shall encourage, support and facilitate exchanges, cooperation and dialogue between audiovisual and media institutions and professionals.⁶² The FA entered into force in October 2022 (Council of the EU 2022).

4. The promotion of European audiovisual works in strong foreign markets: an inventory of the cooperation provisions in the Union's agreements with third countries with advanced economies

The preceding analysis confirms the EU's long-established strategy of excluding audiovisual services from trade and economic liberalization obligations. It also shows that provisions regarding audiovisual cooperation, or cultural cooperation more broadly, feature in its agreements with several strong audiovisual third markets such as South Korea, Canada, Australia and Japan. This section categorizes these provisions through an inventory of the principal cooperation dimensions they establish, and discusses their relevance and potential to expand the reach and visibility of European audiovisual works in the third countries concerned.

The first dimension focuses on exchanges and mobility for European audiovisual professionals. International collaborations that support exchanges and mobility allow audiovisual professionals to gain knowledge of foreign markets and access new career opportunities, collaborators and audiences (KEA 2018, 11). Getting to know high-capacity foreign audiovisual markets through mobility and increased contacts, as well as through training and networking with local teams, can help European audiovisual professionals carry out international projects and bolster their capacities and skills. People-to-people contacts and exchanges have been broadly advanced as a key component of the Union's international cultural relations strategy (European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2016; see also Dâmaso and Murray 2021; Murray and Lamonica 2021).

The EU-Japan SPA stipulates exchanges of cultural professionals and joint initiatives regarding audiovisual works and films.⁶³ The EU-South Korea PCC commits the parties to facilitate the entry of artists and other cultural professionals and practitioners into each other's territory, and their temporary stay there for a period up to 90 days.⁶⁴ It also provides for exchanges of audiovisual works between the parties,⁶⁵ exchanges between broadcasting industries, as well as visits to and participation in international broadcasting events held in each other's territory.⁶⁶ Other agreements, such as the SPA with Canada

and the EU-Australia FA, mention cultural cooperation through people-to-people contacts,⁶⁷ joint initiatives,⁶⁸ and the mobility of culture professionals,⁶⁹ but do so without specifying professionals in the audiovisual sector.

The second dimension identified in the cooperation provisions included in the agreements studied concerns co-productions. According to UNESCO (2016, 10), international co-productions can be considered a ‘gateway to diversity of cultural expressions’. Indeed, there are many cultural benefits to co-productions with international partners, such as blending talent and creative inputs. Other potential benefits include raising finance through the pooling of resources and risk spreading; reducing production costs; and facilitating access to the partners’ markets, especially when quota obligations exist (Morawetz et al. 2007; Parc 2020). Thus, integrating provisions that facilitate co-productions in the EU’s agreements with markets with significant film and audiovisual production activity has the potential to enhance the visibility and presence of co-produced works in these markets and help build audience interest in European films. This is particularly relevant, considering that bilateral co-production agreements between the advanced economies examined and EU Member States are rather limited. With the exception of Canada, which has concluded bilateral co-production agreements with most Member States,⁷⁰ Japan, South Korea, and Australia have concluded such agreements with only a handful of EU Member States. South Korea, for instance, maintains a co-production agreement with France alone, signed in 2006.⁷¹ Japan, too, has just one co-production agreement, with Italy, signed in 2024,⁷² while Australia has co-production agreements and memoranda of understanding with Germany, Ireland, France and Italy.⁷³

The mapping carried out suggests that agreements between the EU and third countries with strong economies do not generally aim to facilitate international co-productions. One notable exception is the EU-South Korea FTA. While the *audiovisual exception* applies to the FTA, the PCC annexed to it provides market access for works co-produced by South Korean and EU teams, offering reciprocal preferential treatment. The EU-South Korean co-productions that comply with the criteria set forth qualify as South Korean works in South Korea and as European works in the EU.⁷⁴ As a result, they are eligible for inclusion in the support schemes and frameworks established by both South Korea and the EU (through the AVMSD) to promote their local and regional audiovisual content.⁷⁵ This entitlement for co-productions has been extended several times since its enactment⁷⁶ with a view to providing an ‘opportunity for the European audiovisual industry to maintain its presence and further gain market share, experience and knowledge in the South Korean market’ (European Commission 2023, 3). Further, pursuant to the PCC, the parties have agreed to encourage the negotiation of new – and the implementation of existing – co-production agreements between one or several EU Member States and South Korea, and to grant financial benefits to the co-produced works.⁷⁷

The third dimension concerns the production, promotion and distribution of European audiovisual works in third markets. Access to foreign production incentives – particularly in high-capacity third markets – can enhance the appeal of European films for foreign audiences and thus support the internationalization of the European audiovisual industry. Meanwhile, promotion and exhibition efforts abroad can play a key role in increasing the visibility of European audiovisual works and fostering their discoverability among international audiences, both in cinemas and on audiovisual media services.

The agreements reviewed do not address EU – third-country cooperation in terms of distribution and promotion opportunities – with the exception of the EU-South Korea PCC. This includes provisions reflecting the parties' commitment to promoting each other's audiovisual works through festivals, seminars and similar initiatives, as well as to encouraging visits to and participation in international broadcasting events held in the territory of the other party.⁷⁸ The EU-South Korea PCC also provides that the parties shall facilitate the rental and leasing of the necessary technical material and equipment,⁷⁹ as well as facilitate the temporary importation of technical material and equipment required to carry out shoots in each other's territory.⁸⁰ Also, the parties agree to promote both parties' territory as a location for the shooting of cinematographic films and TV programmes.⁸¹ Beyond the EU-South Korea PCC, there is a notable absence of similar provisions that could support European audiovisual production by complementing existing national financial incentive schemes for foreign film-making in the partner countries, such as cash rebates and tax credits.⁸² In fact, in the agreements examined, no mention is made of the possibility of the parties granting each other financial production incentives.

The fourth dimension is about audiovisual cooperation in international fora and audiovisual policy dialogue. Working together with non-EU countries in the framework of relevant international organizations can help promote common interests in the audiovisual field, which can prove beneficial to the internationalization of European audiovisual works. This is certainly true of UNESCO and the implementation of the 2005 Convention, as well as of the WTO, which sets the rules for global trade. Audiovisual policy dialogue more widely can support the exchange of information and expertise among EU and third-country stakeholders and provide a framework for identifying shared priorities.

The EU agreements under study contain provisions on cooperation in international fora. Cooperation in UNESCO in particular has been addressed in various agreements. A commitment to implementing the UNESCO Convention and cooperating within its framework are mentioned in the EU-South Korea PCC, for instance.⁸³ Such a commitment, coupled with cooperation within UNESCO more generally, is also laid down in the EU's agreements with Canada, which is not surprising given that both parties demonstrated significant leadership in the adoption of the UNESCO Convention. The CETA is the only economic agreement between the EU and an advanced economy that mentions the UNESCO Convention,⁸⁴ while the EU-Canada SPA expresses the EU and Canada's shared commitment to protecting and promoting the diversity of cultural expressions through the promotion of the UNESCO Convention.⁸⁵ Cooperation in UNESCO is also envisaged in the EU-Japan SPA and the EU-Australia FA with a view to pursuing common objectives.⁸⁶

Policy dialogue has been singled out as a form of cultural or audiovisual cooperation in some of the agreements reviewed. The EU-Australia FA provides for cooperation and dialogue between institutions and professionals in the audiovisual and media fields,⁸⁷ while the EU-Canada SPA refers to dialogue between cultural institutions and professionals more broadly.⁸⁸ The EU-Japan SPA mentions civil society and institutional dialogue among cultural stakeholders.⁸⁹ The EU-South Korea PCC advances a more structured form of policy dialogue. The parties commit to 'cooperate to foster the development of a common understanding and enhanced exchange of information on cultural and audiovisual matters through dialogue'.⁹⁰ Such dialogue is to take place within the CCC, which is charged with overseeing the implementation of the PCC,⁹¹ as well as in other relevant venues.⁹²

5. EU trade policy, audiovisual cooperation, and the promotion of European audiovisual works in strong foreign markets

The agreements examined attest to the EU's established position regarding trade and the *audiovisual exception*: audiovisual services are excluded from trade liberalization commitments. The exclusion is straightforward: it is explicitly stated that the relevant chapters of the agreements (e.g. on the cross-border supply of services or investment liberalization) do not apply to audiovisual services. Moreover, audiovisual services are excluded from the scope of any provisions dealing with electronic commerce (Burri 2024). Concurrently, the audiovisual exclusion extends to more recent digital trade chapters and agreements.⁹³

The audiovisual exception constitutes a foundational position of the EU, which is applied consistently. Even prior to the start of formal trade negotiations – during the preliminary phase at which the parties define the negotiation areas and objectives to pursue – the EU is systematic in making it clear that the audiovisual is carved out.⁹⁴ Currently, for instance, the EU and Australia are in the process of negotiating an FTA. Given the parties' sensitivity to the audiovisual sector, the exclusion of the audiovisual sector from trade liberalization provisions is unlikely to prove contentious (Mishra 2022). The EU's proposed draft chapter on digital trade also excludes audiovisual services and underlines the right of the parties to regulate in favour of legitimate public policy objectives, including the promotion and protection of cultural diversity.⁹⁵

The EU's stance reflects a solid commitment to protecting cultural diversity, consistent with the 2005 UNESCO Convention. While the UNESCO Convention does not require parties to establish a cultural exception, the EU has consistently applied such an exception – though only to audiovisual services. The EU has never extended this approach to cover all cultural industries. This position was clearly demonstrated during the CETA negotiations, where Canada advocated for (and obtained) a broader exclusion of cultural industries from market liberalization obligations. The result was an asymmetric cultural exception (Maltais 2014): for the EU, the exception applies only to audiovisual services, whereas for Canada it also covers the print and recorded music industries. Economic considerations appear to have played a role here. While the EU viewed its audiovisual sector as vulnerable and in need of protection, it considered the print industry competitive enough to benefit from open markets (Hahn and Sauvé 2016, 37–38). Moreover, certain Member States, like the UK at the time, showed a clear interest in reducing restrictions on music industry exports (Bellucci 2015, 44).

Third countries entering into negotiations with the EU may sometimes seek to challenge its position on the audiovisual exception, but the EU is staunch in its support of, and stands by it,⁹⁶ in line with the position of the Member States as expressed in the negotiating mandate given to the Commission⁹⁷ by the Council.⁹⁸ The audiovisual exception is essentially viewed by the EU as preserving the policy space necessary for the European audiovisual industry to grow and develop. However, in addition, the EU regards safeguarding cultural diversity in the audiovisual sector as an objective which its trading partners should *also* respect and uphold.⁹⁹ The EU is not going to open its audiovisual market up to third parties, but neither does it want its trading partners to open their audiovisual markets up to it – indeed, it would not consent to their doing so. This is another aim of keeping the audiovisual a *no-go* area in the negotiations: it prevents the other party from making any audiovisual commitments, even if they wish to.¹⁰⁰

This is not to say that maintaining this position during trade talks is not without its challenges for the EU, or that Member States do not remain vigilant in this regard. In the case of the Transatlantic Trade and Investment Partnership (TTIP), for instance, negotiations between the EU and the United States – which ultimately stalled without a final agreement – were contentious not only due to the differing views of the parties on lifting audiovisual trade barriers (Bellucci 2015), but also because divergent positions emerged among the EU Member States. The UK, for example, argued that excluding audiovisual services from the negotiations would weaken the EU's overall negotiating power (Chochorelou 2018, 235). At the same time, several other Member States and cultural organizations mobilized to ensure that audiovisual services remain carved out from the scope of negotiations (Buonanno 2015).

The audiovisual exception in trade agreements and in the relevant chapters and titles of other agreements suggests an understanding of cultural diversity as *diversity-as-distinctiveness*. This perspective prioritizes respect for, and protection of, Member States' distinct cultures and cultural identities through the maintenance of audiovisual trade barriers. However, the audiovisual exception notably coexists with provisions on audiovisual cooperation typically found in titles or chapters on cooperation and/or cultural cooperation protocols which promote a different understanding of cultural diversity: *diversity-as-pluralism*. This second perspective emphasizes cultural plurality through engagement with cultures beyond the EU, supporting cultural exchanges, interaction and dialogue. For instance, the EU-Australia FA, the PCC annexed to the EU-South Korea FTA, and the EU-Japan SPA contain provisions regarding exchanges, mobility and people-to-people contacts, and audiovisual cooperation between the parties within the framework of UNESCO, as well as policy dialogue on audiovisual matters. The EU-South Korea PCC also covers cooperation in audiovisual co-productions, measures to facilitate production and various promotion and distribution activities such as festivals.

Overall, it is clear that, along with the audiovisual exception, which is absolute in EU trade policy, the EU also takes steps to develop audiovisual cooperation with some of its partners. These efforts are made in the spirit of the UNESCO Convention, although the specific content of such cooperation may vary in terms of its focus and scope. However, audiovisual cooperation is not consistently included across the agreements studied: the CAI with China contains no audiovisual (or cultural) cooperation provisions, despite the fact that both parties are signatories of the UNESCO Convention; this is also the case with the EU-Singapore agreements and the EU-UK TCA. What these agreements do is affirm the parties' 'right to regulate' to achieve public policy objectives which cover protection and the promotion of cultural diversity.¹⁰¹

Undoubtedly, the lack of audiovisual cooperation provisions in the CAI relates to the EU's complex and multi-faceted relationship with China, which the EU considers to be 'a cooperation [...] [and] a negotiating partner' but also 'an economic competitor [...], and a systemic rival [...]' (European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2019). In the case of Singapore, the absence of audiovisual cooperation provisions in the EU-Singapore FTA and IPA could be attributed to the fact that the EU mainly incorporates audiovisual cooperation provisions into framework and partnership agreements, which Singapore does not have with the EU. As for the TCA with the UK, the absence of audiovisual (and cultural) cooperation provisions in an agreement with a country that was an EU Member State for decades is

striking, though the TCA does include provisions for the UK's participation in the Union's programmes.¹⁰² This could pave the way for audiovisual cooperation with the EU through UK participation in the Creative Europe programme.

The fact that the EU tends to add cooperation provisions in agreements addressing areas other than trade and the economy owes much to the criticism levelled at the negotiation of the EU-South Korea PCC. This PCC was presented as a means to implement the UNESCO Convention and drew on the cultural cooperation framework that the EU had negotiated with the Cariforum states (Loisen 2015; Loisen and De Ville 2011; Souyri-Desrosier 2014, 214) in the form of a protocol which was attached to the EU-Cariforum EPA (EU and Cariforum states 2008). At the time, there was significant pressure on the EU, as one of the main promoters of the UNESCO Convention (Richieri Hanania 2019), to 'lead by example'. In response, the Commission took steps to strengthen cultural cooperation, initially with developing countries in the context of the then ongoing negotiations for an EU-Cariforum EPA. The Commission negotiated a *model title on cultural cooperation* with the Cariforum group, which was also intended to form the basis of forthcoming trade negotiations, subject to adjustments reflecting the specificities of each negotiation, as well as the level and nature of the cultural exchanges between the EU and the partner concerned.¹⁰³

However, when the inclusion of a cultural cooperation protocol in the FTA being negotiated with South Korea was proposed, it met with significant criticism both from stakeholders (Pauwels and Loisen 2016) and from France. In its influential Communication *For a new European Union external cultural strategy* (French Republic 2009), France argued that introducing such a protocol risked downgrading the specific status of the audiovisual sector, thereby subordinating cultural considerations to trade (for a discussion, see Richieri Hanania 2012, 448–452). Stakeholders also expressed concern over the market access entitlement that would follow on for EU-South Korean co-productions as 'European works' on the basis of the AVMSD, as this could set a precedent, potentially opening the EU's audiovisual market up to even stronger countries than South Korea (Loisen and De Ville 2011). As a result, the model title on cultural cooperation included in the cultural cooperation protocol of the EU-Cariforum EPA and used as a basis for the FTA being negotiated with South Korea was amended to better reflect the advanced level of development of the South Korean audiovisual industry. The criticism also translated into stricter criteria for the qualification of co-productions than those foreseen in the Cariforum PCC. Subsequently, cultural cooperation protocols would not be linked to EU trade and economic agreements, in order to ensure the autonomy of cultural cooperation provisions from trade provisions, which was another argument made in the 2009 French Communication (Richieri Hanania 2012, 451), while their rationale would shift to focus exclusively on cooperation with developing countries (see EU, Colombia and Peru (2012); EU and Central America 2012). However, over time, such cultural cooperation frameworks were phased out and eventually abandoned, due in part to their poor implementation.

Cooperation on the basis of the EU-South Korea PCC in particular has been limited, with little appetite shown for the signing of co-production agreements between EU Member States and South Korea and the realization of co-productions (Le Sourd et al. 2013). While the lack of information about the incentives available pursuant to the PCC may have played a role in this (European Commission 2023), the criteria laid down for co-productions to qualify under the PCC, which require the cooperation of at least two EU

Member States with South Korea, were perceived as quite stringent and out of line with industry practices.¹⁰⁴ For its part, the South Korean film industry has shown limited interest in actively pursuing co-productions, being more focused, as noted by the Commission, on the promotion of its own audiovisual works in Europe and beyond (European Commission 2023).

Other elements of the EU-South Korea PCC regarding audiovisual cooperation have not been followed through, either. Data from the European Audiovisual Observatory reported by the Commission (European Commission 2023) show for instance that, while a fair number of European films are released in South Korea, they do not attract significant audiences. In 2021, European films accounted for 23% of the films released theatrically, but for only 5% of the money taken at the box office. This gap between the figures for cinema releases and viewership makes it clear that the EU-South Korea cooperation on promotional activities set forth in the PCC has proved insufficient. Further, the PCC's governance framework, and in particular the CCC that was established to oversee implementation, has been unsuccessful in motivating interest in EU-South Korea audiovisual collaborations. Although the CCC has reportedly held annual meetings to discuss cooperation agendas (Go 2021, 7), its activities have not consistently supported the implementation of the PCC.

Certainly, the cooperation chapters and titles in the EU's agreements which have an audiovisual (or cultural) component are considerably less comprehensive than the provisions of the EU-South Korea PCC. Still, by supporting people-to-people interaction and exchanges, cooperation within the framework of UNESCO, and audiovisual policy dialogue, they can contribute to an enabling environment in which audiovisual cooperation can flourish, while simultaneously supporting the presence of European audiovisual works and co-productions in partner countries. However, here too, the relevant provisions have not been implemented systematically. The challenges are two-fold. First, there appears to be limited political will and interest among the parties to render the provisions concrete through a coordinated mix of audiovisual actions and initiatives.¹⁰⁵ Cooperation is mostly limited to film festivals, which are facilitated by the European External Action Service, EU delegations and Member States' cultural institutes operating abroad.¹⁰⁶ Second, no dedicated governance structures have been established, or specific funding earmarked, to support the operationalization of audiovisual cooperation on a bilateral (or regional) level.

6. Conclusion

The audiovisual sector stands on the cusp between the economy and the cultural sphere. In the wake of the UNESCO Convention, which has embraced the notion of cultural diversity and established an international framework that acknowledges the cultural dimension of audiovisual works, the EU has intensified efforts to balance the economic dimension of such works with cultural considerations in its external policies. In this context, it has experimented with new tools of audiovisual cooperation with third countries, while sticking to the *audiovisual exception* in its trade and economic agreements.

The instrument that ensued was a protocol on cultural cooperation that was meant to be attached to the Union's trade and economic agreements – originally with developing countries. The protocol encompassed various provisions, and many of these held the promise of the promotion of European audiovisual works being supported in the

countries concerned. However, pressures in play during the negotiation of the EU-South Korea PCC, coupled with its subsequent poor implementation, played a key role in the abandonment of this cultural cooperation framework. Since then, EU audiovisual cooperation has been foreseen in non-trade-related agreements, such as partnership agreements and framework agreements, with countries with advanced audiovisual industries such as Canada, Japan and Australia. Relevant provisions stipulate cooperation through exchanges and people-to-people contacts, audiovisual cooperation within the framework of UNESCO, and policy dialogue on audiovisual matters. In particular, audiovisual cooperation within the framework of UNESCO appears to have facilitated EU collaboration even with countries such as Japan, which did not share the EU's position on the treatment of audiovisual services during the Uruguay round which led to the General Agreement on Trade in Services (GATS), but nonetheless value cultural diversity and have become parties to the UNESCO Convention.

At the same time, it is plain that the existing policy mix leaves much untapped potential for bolstering the position of European audiovisual works in international markets. In contrast to the EU-South Korea PCC with its wide-ranging and multi-faceted provisions on audiovisual cooperation, the current practice of partnership and framework agreements builds on more generic and less detailed provisions.

The study also indicates that there are many barriers to implementation. Implementation structures for audiovisual cooperation were either not foreseen in the agreements, or, where they were established, proved insufficiently active. Moreover, the lack of dedicated actions and funding continues to hinder implementation. Future research should inform this analysis by examining how the agreements and their audiovisual cooperation provisions have been applied in practice. Such research could help identify the specific challenges encountered in each case and offer insights on how implementation could be strengthened.

Overall, the research reveals that, although the existing EU agreements could provide a basis supportive of the internationalization of the European audiovisual sector, there is no comprehensive strategy to promote European audiovisual works in countries with advanced economies. It is certain that the Union will not do away with the *audiovisual exception*, and there are no grounds to argue that doing so would strengthen the reach of the European audiovisual industry beyond the EU. In this light, audiovisual cooperation could enhance the promotion of European audiovisual works in strong and dynamic third markets, especially when such audiovisual cooperation is *selective*, favouring collaborations with countries that share the Union's values and policy approaches to cultural diversity. The analysis shows that the EU's approach to including audiovisual cooperation provisions in its agreements with countries with strong audiovisual markets is indeed selective, favouring partnerships only with parties to the 2005 UNESCO Convention. Such cooperation should be developed further and oriented more strongly towards extroversion. Its design should take into account elements determined through participatory processes that engage the audiovisual industry and provide stakeholders with opportunities to voice their views. Putting such cooperation into effect would also require institutionalization through the creation of appropriate governance, implementation and monitoring structures supported by adequate resources.

In any case, efforts to promote the international outreach and competitiveness of European audiovisual works must remain grounded in sustained support for the

European audiovisual sector itself. Nurturing EU talent and skills is essential for achieving success beyond the Union's borders. By supporting the circulation of European audiovisual works *within* the Union's single market, EU cultural funding programmes (presently, Creative Europe) also enhance the sector's ability to internationalize. They so do by promoting professionalization and the ability to transcend frontiers and reach diverse audiences. Such support should continue with an added emphasis on its potential to concurrently boost the global orientation of European audiovisual works.

Notes

1. The authors obtained ethical approval from the Ethics Committee of the Hellenic Foundation for European and Foreign Policy on June 11, 2024. An informed consent form was emailed to interviewees prior to the interview, to be returned, signed, before the interview. The form was accompanied by an information sheet outlining the purpose of the research, funding details, data protection procedures, interviewee rights, and data storage specifications.
2. See Art. 2(5), in conjunction with Art. 6 of the Treaty on the Functioning of the European Union (TFEU).
3. See Art. 167(1) TFEU.
4. See Art. 167(2) TFEU.
5. See Art. 167(3) TFEU.
6. UNESCO Convention, Preamble.
7. *Ibid*, Art. 4, point 1.
8. Pursuant to Article 216(2) TFEU.
9. See UNESCO Convention, mostly Arts 1, 12, 14, 15–17.
10. *Ibid*, Art. 20(1).
11. Market access is conditional on undertaking specific commitments in specific sectors with regard to four different modes of supply: cross-border supply, consumption abroad, commercial presence, and the presence of natural persons. See GATS Art. XVI.
12. See GATS Art. XVII.
13. See GATS Art. II according to which the most favourable treatment given to any country must be given to all WTO members.
14. EU-South Korea FTA, Art. 7(4), (10).
15. EU-Japan EPA, Section B.
16. *Ibid*, Section C.
17. *Ibid*, Section F.
18. *Ibid*, Chapter 12.
19. EU-Singapore FTA, Art. 8.3.
20. *Ibid*, Art. 8.9.
21. CETA, Art. 8(2).
22. *Ibid*, Art. 7(7).
23. *Ibid*, Art. 12(2).
24. *Ibid*, Art. 9(2).
25. *Ibid*, Preamble, Recital 7.
26. EU-UK TCA, Part Two, Title II, Chapter 1, Art. 123(5)(b).
27. *Ibid*, Part Two, Title XI, Chapter 3, Art. 364(6).
28. *Ibid*, Part Two, Title XI, Chapter 4, Art. 377(5).
29. *Ibid*, Part Two, Title III, Chapter 1, Art. 197(2).
30. EU-Singapore IPA, Art. 2.1(3).
31. EU-China CAI, Section II, Art. 1.
32. *Ibid*, Section III, Sub-section Two, Art. 8(3).
33. EU-China CAI, Annex I, Entry 22.

34. Ibid, Annex I, Entry 23.
35. Ibid.
36. Ibid, Annex I, Entry 25.
37. EU-South Korea PCC, Preamble.
38. Ibid, Art. 2(1).
39. Ibid, Art. 2(2).
40. Ibid, Art. 3.
41. Ibid, Art. 5(1).
42. Ibid, Arts 6 and 7.
43. Ibid, Art. 6(2).
44. Ibid, Art. 5(2).
45. Ibid, Art. 5(3).
46. Ibid, Art. 5(6). The conditions laid down are the following: (a) the co-produced works are realized by undertakings which are owned directly or by a majority participation by an EU Member State or South Korea respectively, and/or by nationals of an EU Member State or nationals of South Korea respectively; (b) the directors or managers have the nationality of an EU Member State and/or South Korea and can prove that they live there; (c) producers from two EU Member States (except for animation works, which require producers from three EU Member States) contribute (for each Member State) no less than 10 percent of the budget of the co-produced work; (d) the minimum respective financial contributions of the producers of the EU party and of the producer(s) from South Korea may not be less than 30 percent of the total production cost of the work (with the exception of animation works, where this contribution may not be less than 35 percent of the total production cost); (e) the contribution of each party's producer(s) includes effective technical and artistic participation; and (f) the participation of a third country that has ratified the UNESCO Convention is accepted to a maximum of 20 percent of the total costs and/or technical and artistic contribution.
47. Ibid, Art. 5(5).
48. Ibid, Art. 5(4).
49. The AVMSD (European Parliament and Council of the EU 2010) requires broadcasters to reserve a majority of their transmission time for European works. With the 2018 revision (European Parliament and Council of the EU 2018), it also establishes a mandatory 30 percent quota of European works for providers of on-demand audiovisual media services operating in the EU market and requires the prominence of these works.
50. EU-Canada SPA, Preamble, recital 9.
51. Ibid, Art. 16.
52. EU-Japan SPA, Art. 41.
53. Ibid.
54. EU-Australia FA, Art. 44.
55. Ibid, Art. 44(1) and (2).
56. See <https://erasmus-plus.ec.europa.eu/>.
57. The EU Centres are an initiative set up in Australia to provide information about the EU and its policies (https://www.eeas.europa.eu/sites/default/files/partnership_framework2009eu_en.pdf).
58. The European Union National Institutes for Culture (EUNIC, <https://www.eunicglobal.eu/>) is the European network of organizations engaging in cultural relations.
59. EU-Australia FA, Art. 44(3)-(5).
60. The ASEF is an intergovernmental not-for-profit organization that serves as a platform for Asia-Europe dialogue.
61. EU-Australia FA, Arts 10 and 44.
62. Ibid, Art. 44(6).
63. EU-Japan SPA, Art. 41.
64. EU-South Korea PCC, Art. 4(1)-(2).
65. Ibid, Art. 6(2).

66. Ibid.
67. See EU-Canada SPA, Art. 16(1). See also *ibid*, Art. 16(4).
68. See EU-Australia FA, Art. 44(2).
69. *Ibid*, Art. 44(3).
70. The list of audiovisual co-production treaties and relevant memoranda of understanding signed by Canada is available at: <https://telefilm.ca/en/we-finance-and-support/coproductions/international-treaties-and-memorandums-of-understanding>.
71. For information on the audiovisual co-production treaties and memoranda of understanding signed by South Korea, see <https://www.koreanfilm.or.kr/eng/coProduction/treaties.jsp>.
72. See https://www.mofa.go.jp/press/release/pressite_000001_00467.html.
73. See <https://www.screenaustralia.gov.au/funding-and-support/co-production-program/partner-countries>.
74. EU-South Korea PCC, Art. 5(4)-(5).
75. *Ibid*.
76. *Ibid*, Art. 5(8).
77. *Ibid*, Art. 5(2).
78. *Ibid*, Art. 6(1) and (2)(d).
79. *Ibid*, Art. 6(4).
80. *Ibid*, Art. 7(2).
81. *Ibid*, Art. 7(1).
82. South Korea, Australia and Canada provide several incentive schemes, such as cash rebates, to eligible foreign productions. See indicatively, <https://engfilmkorea.or.kr/incentives/national.html>, <https://www.arts.gov.au/what-we-do/screen/australian-screen-production-incentive>, and <https://www.canada.ca/en/canadian-heritage/services/funding/cavco-tax-credits/film-video-production-services.html>.
83. EU-South Korea PCC, Preamble.
84. CETA, Preamble, Recital 7.
85. EU-Canada SPA, Art. 16(3).
86. EU-Japan SPA, Art. 41; EU-Australia FA, Art. 44(5).
87. EU-Australia FA, Art. 44(6).
88. EU-Canada SPA, Art. 16(4).
89. EU-Japan SPA, Art. 41(2).
90. EU-South Korea PCC, Art. 2(2).
91. *Ibid*, Art. 3(3).
92. *Ibid*, Art. 2(2).
93. See the title on digital trade in the EU-UK TCA, the EU-South Korea and EU-Singapore DTAs and the draft chapter on digital trade in the EU-Australia FTA.
94. Interview 1: Online interview with European Commission Official, 15 January 2025.
95. See EU-Australia FTA, Title on Digital Trade, Art. 1, <https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/0815393f-fe51-4554-9e25-ac124dcddb75/details>.
96. Interview 1: Online interview with European Commission Official, 15 January 2025.
97. *Ibid*.
98. See Arts 207(3) and 218(2) TFEU.
99. *Ibid*.
100. *Ibid*.
101. See EU-China CAI, Art. 1(2); EU-Singapore FTA, Preamble; and EU-UK TCA, Art. 123(2).
102. EU-UK TCA, Part Five.
103. European Commission, Argumentaire on the Title on Cultural Cooperation in future EU trade agreements, May 2007 (on file with the authors).
104. Interview 2: Online interview with European Commission Official, 5 February 2025.
105. Interview 3: Online interview with European Commission Official, 11 April 2025.

106. See for instance https://www.eeas.europa.eu/delegations/south-korea/celebrating-decade-european-cinema-10th-eunic-x-eu-film-festival-seoul-08nov-08dec_en?s=179, and https://www.eeas.europa.eu/delegations/australia/european-cinema-flickerfest-unciteclass='unciteRefText'>2025</uncite>-%E2%80%9334th-international-short-film-festival-australia_en.

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References

- Bellucci, L. 2015. "'Cultural Diversity' From WTO Negotiations to CETA and TTIP. More Than Words in International Trade Law and EU External Relations." *Lex Electronica* 20 (2): 42–59.
- Buonanno, L. 2015. "The TTIP Arrives. Politics and Processes." In *The New and Changing Transatlanticism. Politics and Policy Perspectives*, edited by L. Buonanno, N. Cuglesan, and K. Henderson, 235–258. New York, NY: Routledge.
- Burri, M. 2024. "EU External Trade Policy in the Digital Age: Has Culture Been Left Behind?" In *European Union Economic Law and Culture. Towards a European Culturally Corrected Market Economy*, edited by E. Psychogiopoulou, and S. Schoenmaekers, 243–267. Cheltenham, UK; Northampton, MA, USA: Edward Elgar Publishing.

- Chochorelou, M. 2018. "The European Identity Rationale in the EU Free Trade Agreements: Economic Rather than Cultural Objectives?" *Cuadernos Europeos de Deusto* 2: 227–249.
- Council of the EU. 2006. *Decision 2006/515/EC of 18 May 2006 on the Conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. OJ L 201, 25.7.2006, p. 15.
- Council of the EU. 2015. *Decision (EU) 2015/2169 of 1 October 2015 on the Conclusion of the Free Trade Agreement Between the EU and the EU Member States, of the One Part, and South Korea, of the Other Part*. OJ L 307, 25.11.2015, p. 2.
- Council of the EU. 2016. *Decision (EU) 2016/2118 of 28 October 2016 on the Signing, on Behalf of the Union, and Provisional Application of the Strategic Partnership Agreement Between the European Union and Its Member States, of the One Part, and Canada, of the Other Part*. OJ L 329, 3.12.2016, p. 43.
- Council of the EU. 2017. *Decision (EU) 2017/37 of 28 October 2016 on the Signing on Behalf of the European Union of the Comprehensive Economic and Trade Agreement (CETA) Between Canada, of the One Part, and the European Union and Its Member States, of the Other Part*. OJ L 11, 14.1.2017, p. 1.
- Council of the EU. 2018a. *Council Decision (EU) 2018/1907 of 20 December 2018 on the Conclusion of the Agreement Between the European Union and Japan for an Economic Partnership*. OJ L 330, 27.12.2018, p. 1.
- Council of the EU. 2018b. "Decision (EU) 2018/1676 of 15 October 2018 on the Signing, on Behalf of the European Union, of the Investment Protection Agreement Between the European Union and Its Member States, of the One Part, and the Republic of Singapore, of the Other Part." OJ L 279: 1, 9.11.2018.
- Council of the EU. 2019. "Decision (EU) 2019/1875 of 8 November 2019 on the Conclusion of the Free Trade Agreement Between the European Union and the Republic of Singapore." OJ L 294: 1, 14.11.2019.
- Council of the EU. 2021. *Decision (EU) 2021/689 of 29 April 2021 on the Conclusion, on Behalf of the Union, of the Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the One Part, and the United Kingdom of Great Britain and Northern Ireland, of the Other Part, and of the Agreement Between the European Union and the United Kingdom of Great Britain and Northern Ireland Concerning Security Procedures for exchanging and Protecting Classified Information*. OJ L 149, 30.4.2021, p. 2.
- Council of the EU. 2022. *Decision (EU) 2022/1664 of 20 September 2022 on the Conclusion on Behalf of the Union of the Framework Agreement Between the European Union and Its Member States, of the One Part, and Australia, of the Other Part*. OJ L 255, 3.10.2022, p. 1.
- Council of the EU. 2024. *Decision (EU) 2024/1394 of 22 April 2024 on the Conclusion, on Behalf of the European Union, of the Strategic Partnership Agreement Between the European Union and Its Member States, of the One Part, and Japan, of the Other Part*. OJ L 1394, 21.5.2024, p. 1.
- Council of the EU. 2025. *Decision (EU) 2025/798 of 14 April 2025 on the Signing, on Behalf of the Union, of the Agreement on Digital Trade Between the European Union and the Republic of Singapore*. OJ L, 2025/798, 25.4.2025.
- Crusafon, C. 2015. "EU Cultural Cooperation with Third Countries: The Cases of Latin America and the Mediterranean." In *Cultural Governance and the European Union: Protecting and Promoting Cultural Diversity in Europe*, edited by E. Psychogiopoulou, 225–236. Houndmills, Basingstoke, Hampshire: Palgrave.
- Dâmaso, M., and A. Murray. 2021. "The EU's Dualistic Regime of Cultural Diversity Management: The Concept of Culture in the Creative Europe Program (2014–2019; 2021–2027) and in the Strategy for International Cultural Relations (2016–)." *Journal of Cultural Management and Cultural Policy* 7 (1): 153–184.
- de Witte, B. 2008. "The Value of Cultural Diversity in European Union Law." In *Protection of Cultural Diversity from a European and International Perspective*, edited by H. Schneider, and P. Van den Bossche, 219–247. Antwerp, Belgium: Intersentia.
- de Witte, B. 2024. "Legal Framework of the EU's Cultural Policy." In *European Union Economic Law and Culture. Towards a European Culturally Corrected Market Economy*, edited by E. Psychogiopoulou, and S. Schoenmaekers, 15–26. Cheltenham, UK; Northampton, MA, USA: Edward Elgar Publishing.

- Draghi, M. 2024. *The Future of European Competitiveness*. https://commission.europa.eu/topics/eu-competitiveness/draghi-report_en.
- Erickson, M., and P. Dewey. 2011. "EU Media Policy and/as Cultural Policy: Economic and Cultural Tensions in MEDIA 2007." *International Journal of Cultural Policy* 17 (5): 490–509. <https://doi.org/10.1080/10286632.2010.544725>.
- EU and Australia. 2017. *Framework Agreement Between the European Union and Its Member States, of the One Part, and Australia, of the Other Part*. OJ L 237. 15.9.2017, p. 7.
- EU and Canada. 2004. "EU-Canada Partnership Agenda." 18 March 2004. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=genpub:PUB_NF0104004.
- EU and Canada. 2016. *Strategic Partnership Agreement Between the European Union and Its Member States, of the One Part, and Canada, of the Other Part*. OJ L 329. 3.12.2016, p. 45.
- EU and Canada. 2017. *Comprehensive Economic and Trade Agreement (CETA) Between Canada, of the One Part, and the European Union and Its Member States, of the Other Part*. OJ L 11. 14.1.2017, p. 23.
- EU and Cariforum states. 2008. *Economic Partnership Agreement Between the CARIFORUM States, of the One Part, and the European Community and Its Member States, of the Other Part*. OJ L 289. 30.10.2008, p. 3.
- EU and Central America. 2012. *Agreement Establishing an Association Between the European Union and Its Member States, on the One Hand, and Central America on the Other*. OJ L 346. 15.12.2012, p. 3.
- EU and China. 2020. "EU-China Comprehensive Agreement on Investment, Agreement in Principle." https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/china/eu-china-agreement/eu-china-agreement-principle_en.
- EU and Japan. 2018a. *Agreement Between the European Union and Japan for an Economic Partnership*. OJ L 330. 27.12.2018, p. 3.
- EU and Japan. 2018b. *Strategic Partnership Agreement Between the European Union and Its Member States, of the One Part, and Japan, of the Other Part*. OJ L 2016. 24.8.2018, p. 4.
- EU and Singapore. 2018. "EU-Singapore Investment Protection Agreement, Agreement in Principle." https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/singapore/eu-singapore-agreements/texts-agreements_en.
- EU and Singapore. 2019. *Free Trade Agreement Between the European Union and the Republic of Singapore*. OJ L 294. 14.11.2019, p. 3.
- EU and South Korea. 2011. *Free Trade Agreement Between the European Union and Its Member States, of the One Part, and the Republic of Korea, of the Other Part*. OJ L 127. 14.5.2011, p. 6.
- EU and South Korea. 2025. "Agreement on Digital Trade Between the EU and the Republic of Korea. Agreement in Principle." <https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/1bddb97a-c02e-41e6-95d1-6e41029c880f/details?download=true>.
- EU and the UK. 2021. *Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the One Part, and the United Kingdom of Great Britain and Northern Ireland, of the Other Part*. OJ L 149. 30.4.2021, p. 10.
- EU, Colombia and Peru. 2012. "Agreement on Cultural Cooperation Between the European Union and Its Member States, of the One Part, and Colombia and Peru, of the Other Part." https://ec.europa.eu/assets/eac/culture/policy/strategic-framework/documents/agreement-cultural-colombia-peru_en.pdf.
- European Commission. 2007. *Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda for Culture in a Globalizing World*, COM/2007/0242.
- European Commission. 2009. *Staff Working Document on the External Dimension of Audiovisual Policy*, SEC(2009) 1033.
- European Commission. 2018. *Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, a New European Agenda for Culture*, COM(2018) 267.
- European Commission. 2023. *Proposal for a Council Decision on the Extension of the Entitlement for Co-Productions as Provided for in Article 5 of the Protocol on Cultural Cooperation of the Free Trade Agreement Between the European Union and Its Member States, of the One Part, and the Republic of Korea, of the Other Part*, COM/2023/23 Final.

- European Commission and High Representative of the Union for Foreign Affairs and Security Policy. 2016. *Joint Communication to the European Parliament, the European Council and the Council, Towards an EU Strategy for International Cultural Relations*, JOIN/2016/029 Final.
- European Commission and High Representative of the Union for Foreign Affairs and Security Policy. 2019. *Joint Communication to the European Parliament, the European Council and the Council. EU-China – A Strategic Outlook*, JOIN(2019) 5 Final.
- European Parliament and Council of the EU. 2010. *Directive 2010/13/EU of 10 March 2010 on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action in Member States Concerning the Provision of Audiovisual Media Services (Audiovisual Media Services Directive)*. OJ L 95. 15.4.2010, p. 1.
- European Parliament and Council of the EU. 2013. *Regulation (EU) No 1295/2013 of 11 December 2013 Establishing the Creative Europe Programme (2014 to 2020) and Repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC*. OJ L 347. 20.12.2013, p. 221.
- European Parliament and Council of the EU. 2018. *Directive (EU) 2018/1808 of 14 November 2018 Amending Directive 2010/13/EU on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action in Member States Concerning the Provision of Audiovisual Media Services (Audiovisual Media Services Directive) in View of Changing Market Realities*. OJ L 303. 28.11.2018, p. 69.
- European Parliament and Council of the EU. 2021. *Regulation (EU) 2021/818 of 20 May 2021 Establishing the Creative Europe Programme (2021 to 2027) and Repealing Regulation (EU) No 1295/2013*. OJ L 189. 28.5.2021, p. 34.
- French Republic. 2009. "For a New European Union External Cultural Strategy." https://www.diplomatie.gouv.fr/IMG/pdf/2009-12-21_Communication_France_Strategie_culturelle_exterieuře_ENG.pdf.
- Go, J. 2021. *The Prospects of Cultural Exchange to Foster the Economic Relationship Between the EU and Korea*. Ordnungspolitische Diskurse, 7. Ordnungspolitisches Portal (OPO). <https://www.econsortor.eu/bitstream/10419/233902/1/1757278710.pdf>.
- Hahn, M., and P. Sauvé. 2016. *Research for the CULT Committee - Culture and Education in CETA*. European Parliament.
- Herold, A. 2005. "EU External Policy in the Audiovisual Field: From "Cultural Exception" to "Cultural Diversity"." *ERA Forum* 6: 93–108.
- Kandyla, A. 2015. "The Creative Europe Programme: Policy-Making Dynamics and Outcomes." In *Cultural Governance and the European Union: Protecting and Promoting Cultural Diversity in Europe*, edited by E. Psychogiopoulou, 49–60. Houndmills, Basingstoke, Hampshire: Palgrave.
- KEA. 2018. *Mobility of Artists and Culture Professionals: Towards a European Policy Framework*. European Parliament, Policy Department for Structural and Cohesion Policies.
- Le Sourd, M., E. Di Federico, and Y. Sung-Won. 2013. "EU-South Korea: Current Trends of Cultural Exchange and Future Perspectives." *European Expert Network on Culture*. <https://www.interarts.net/descargas/interarts2560.pdf>.
- Loisen, J. 2015. "The Implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in EU External Relations." In *Cultural Governance and the European Union: Protecting and Promoting Cultural Diversity in Europe*, edited by E. Psychogiopoulou, 210–224. Houndmills, Basingstoke, Hampshire: Palgrave.
- Loisen, J., and F. De Ville. 2011. "The EU-Korea Protocol on Cultural Cooperation: Toward Cultural Diversity or Cultural Deficit?" *International Journal of Communication* 5: 254–271.
- Maltais, A. L. 2014. "L' Accord Économique Commercial Et Général/Canada-Union Européenne. Faut-Il Célébrer "L'Évocation Culturelle"?" *Lettre Sur Le Commerce International* 5. <https://irec.quebec/ressources/publications/lettrecommerce5novembre2014vd.pdf>.
- Mishra, N. 2022. "Digital Trade in the Australia-EU FTA: A Future-Forward Perspective." In *European Yearbook of International Economic Law*, edited by M. Bungenberg, and A. Mitchell, 79–116. Cham: Springer.
- Morawetz, N., J. Hardy, C. Haslam, and K. Randle. 2007. "Finance, Policy and Industrial Dynamics—The Rise of Co-Productions in the Film Industry." *Industry and Innovation* 14 (4): 421–443. <https://doi.org/10.1080/13662710701524072>.

- Moreno Domínguez, J. M., and D. Montero. 2009. "Europe as a Partner: New Spaces for Audiovisual Cooperation Between Latin America and the EU." *Global Media and Communication* 5 (1): 77–98. <https://doi.org/10.1177/1742766508101315>.
- Murray, A., and A. G. Lamonica. 2021. "From Practice to Concept: Paving the Way to a Theoretical Approach to International Cultural Relations." *Working Paper Series in Public and Cultural Diplomacy, Working Paper No. 2*. https://www.dispoc.unisi.it/sites/st10/files/allegatiparagrafo/07-06-2021/murray_and_lamonica_wpspcd_2.2021.pdf.
- Parc, J. 2020. "Understanding Film Co-Production in the Era of Globalization: A Value Chain Approach." *Global Policy* 11 (4): 458–465. <https://doi.org/10.1111/1758-5899.12830>.
- Pauwels, C., and J. Loisen. 2016. "Leading by Example? European Union Implementation of Cultural Diversity in Internal and External Audiovisual Policies." *Javnost - the Public* 23 (2): 153–169. <https://doi.org/10.1080/13183222.2016.1162980>.
- Psychogiopoulou, E. 2008. *The Integration of Cultural Considerations in EU Law and Policies*. Leiden; Boston: Martinus Nijhoff Publishers, Brill.
- Psychogiopoulou, E. 2014a. "Cultural Mainstreaming: The European Union's Horizontal Cultural Diversity Agenda and Its Evolution." *European Law Review* 39 (5): 626–646.
- Psychogiopoulou, E. 2014b. "The External Dimension of EU Cultural Action and Free Trade: Exploring an Interface." *Legal Issues of Economic Integration* 41 (1): 65–86. <https://doi.org/10.54648/LEIE2014004>.
- Psychogiopoulou, E. 2022. "The Horizontal Clauses of Arts 8-13 TFEU Through the Lens of the Court of Justice." *European Papers* 7 (3): 1357–1380.
- Richieri Hanania, L. 2012. "Cultural Diversity and Regional Trade Agreements: The European Union Experience with Cultural Cooperation Frameworks." *Asian Journal of WTO & International Health Law and Policy* VII (2): 423–456.
- Richieri Hanania, L. 2019. "Trade, Culture and the European Union Cultural Exception." *International Journal of Cultural Policy* 25 (5): 568–581. <https://doi.org/10.1080/10286632.2019.1626844>.
- Souyri-Desrosier, C. 2014. "EU Protocols on Cultural Cooperation: An Attempt to Promote and Implement the CDCE Within the Framework of Bilateral Trade Negotiations." In *Cultural Diversity in International Law: The Effectiveness of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, edited by L. Richieri Hanania, 209–224. London/ New York: Routledge.
- UNESCO. 2005. "UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions." 20 October 2005. <https://www.unesco.org/en/legal-affairs/convention-protection-and-promotion-diversity-cultural-expressions>.
- UNESCO. 2016. "Diversity and The Film Industry: An Analysis of the 2014 UIS Survey on Feature Film Statistics." *Information Paper No. 29*, Institute for Statistics.
- Vlassis, A., L. Richieri Hanania, and I. Kokinova. 2021. *Culture in EU External Trade: Towards Stronger Digital Cultural Cooperation*. Culture Solutions Brief No. 11. <https://orbi.uliege.be/bitstream/2268/266121/1/cs-brief11.pdf>.
- WTO. 1995. "The General Agreement on Trade in Services (GATS)." https://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm.