

PLATFORMISATION OF

CULTURAL AND AUDIO-VISUAL

SECTORS IN THE EUROPEAN

UNION: NEW POLICIES FOR

NEW STAKEHOLDERS

PLATFORMIZACIJA KULTURNOG

I AUDIO-VIZUALNOG SEKTORA

U EUROPSKOJ UNIJI: NOVE

POLITIKE ZA NOVE DIONIKE

PLATFORMISATION OF CULTURAL AND AUDIO-VISUAL SECTORS IN THE EUROPEAN UNION: NEW POLICIES FOR NEW STAKEHOLDERS

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ABSTRACT *This introductory article provides contextual framing for the contributions to the special issue dedicated to the analysis of the impact of the European Union policies dealing with online platforms that are influencing cultural and audio-visual sectors. This special issue gathers interdisciplinary approaches and diverse contributions highlighting the cultural and audio-visual production within the EU policy framework. The contributions show, both, explicit and implicit influence of EU policy instruments and policy-making as well as policy implementation lag concerning cultural diversity provisions and compliance with advertising regulations on the protection of minors on online platforms. Furthermore, they signal the explicit and implicit impact of the streaming platforms on the local audio-visual production in a small-size European country, as well as local responses to them. The contributions show that there is a need not only for further policy instruments in this field but also for more thorough research in this complex field of contemporary culture.*

KEYWORDS

CULTURAL SECTOR, AUDIO-VISUAL SECTOR, ONLINE PLATFORMS, CULTURAL POLICY, MEDIA POLICY, EUROPEAN UNION

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EUROPEAN UNION POLICIES AND THE PLATFORMISATION OF CULTURAL AND AUDIO-VISUAL SECTORS

Researching and writing about online platforms can sometimes be likened to trying to hit the moving target. The changes are occurring very fast and while trying to grasp the complex processes in front of us, the burgeoning literature, research, and data seem overwhelming. This fluidity is especially relevant when researching policies, strategies, and regulatory instruments related to the workings of diverse online platforms, whether they are centred on transport and education or food delivery. It can be said that this difficulty in grasping the current state of practice is even more pronounced in the context of cultural and audio-visual sectors resulting from their continuous role as double agents in (especially EU) policy discourse and practice – being both the agent of the public good and the agent of the industry. For a brief moment in time, it seemed that COVID-19 would tilt the scales of the cultural and audio-visual sectors' position in EU public policy towards the former one. Recent developments, however, seem to show that we are getting back to business as usual. In the current post-pandemic, precarious, global, social, economic, and environmental situation with the War in Ukraine still ongoing, the cultural and audio-visual sectors in Europe are again trying to balance the public good role and the industry-driver role. This role-balancing (policy) process took on a new dimension due to the impact of the global COVID-19 pandemic on the European cultural and audio-visual sectors (online) production and distribution showing the fragility of the sectors (e.g., OECD, 2020; Polivtseva, 2020; UNESCO, 2020). It amplified citizens' usage of online platforms, both for work and leisure. In such a context, the discussion on the European Union policies connected to online platforms was deemed ever more important by a number of researchers and policymakers. Even before the pandemic's beginning, when we started our "European Union Policies and the Platformisation of Cultural and Audio-visual Sectors – platEU" project, the importance and need of opening discussion and undertaking more intense research on these issues was evident.

Recent research has shown the different ways in which online platforms impact the cultural and audio-visual sectors (Alacovska et al., 2022; Hesmondhalgh, 2022; Vlassis, 2020, 2021). Echoing work done by Helmond (2015), the authors such as Poell et al. (2022) stress that in such a context we can talk about the processes of platformisation. In the context of cultural production, they define platformisation as "the penetration of digital platforms' economic, infrastructural, and governmental extensions into cultural industries, as well as organisation of cultural practices of labour, creativity, and democracy around these platforms" (Poell et al., 2022, p. 5). They note the importance of the issue of platform governance as a point of departure in the context of transnational platform companies being global rather than local content standards setters. One of the main aims of this special issue was to open the discussion on the processes of platformisation more broadly, which implies the following: researching the role of European Union policies on online platforms that affect the supply and demand of cultural and audio-visual production; arguing on the two-fold impact of online platforms on the broader cultural and audio-visual sector; considering the agency not only of policy-makers, but also

producers, users, and other participants involved in the changing role of online platforms and their governance and regulation.

However, this is a difficult task, as the changes happening on and through online platforms are occurring very fast, while there is scarcity of platforms' socially responsible behaviour that takes into account the issues of cultural diversity, media pluralism, etc. Only a decade ago, the issue of regulating online platforms was approached as an insurmountable task and was viewed as a 'mission impossible', and even dismissed as a utopian idea. At that time, it was difficult to talk about the regulation of online platforms due to the prevalent discourse of the 'untouchable' tech giants' platforms. Therefore, few researchers approached critically these issues (e.g., Scholtz & Schneider (Eds.) 2016; Srnicek, 2017). However, it can be said that nowadays regulation and governance of digital technologies are high not only on the research agenda (Flew, 2022), but also on the (European Union) policy agenda. Platforms capture the attention of policymakers due to their dependence on user data, impacts on traditional cultural and audio-visual supply and demand, transnational reach, and excessive concentration of power. Academic approaches focusing on different facets of platforms have been many, whether we are speaking of the politics of platforms (Gillespie, 2010), platform imperialism (Jin, 2015), platforms of power (Mansell, 2015), platform capitalism (Srnicek, 2017), or discussing platform competition in two-sided markets (Rochet & Tirole, 2003). The ubiquity of online platforms in our daily lives prompted some authors to even talk about the rise of the platform society (van Dijck et al., 2018) and, within that context, the level of digital inequalities in access and skills needs to be taken into account. Moreover, the structural implications of supply of the European cultural and audio-visual products via platforms also need to be addressed, which is especially important in the context of dynamic platform infrastructures (Duffy et al., 2019).

The European Union has been active in this respect (e.g., Evens & Donders, 2018; Evens et al., 2020), particularly with regard to developing strategic goals. The key example is the Digital Single Market (DSM) Strategy which has been one of the priorities of the former but also the current European Commission's objectives. While on the one hand, the fact that small and medium size platforms can contribute to the growth of skills and jobs in the European Union was lauded, on the other hand, the domination of large, mainly US, businesses and platforms (e.g., Google, Amazon, Facebook, Apple, Microsoft, Netflix) opened up questions related to European identity, European integration objectives and the role the EU plays in the globalized world (Vlassis, 2020, 2021). Both issues present a recurring theme within the development of European media policies, particularly when it comes to balancing industrial and competitive goals with cultural and public service goals (e.g., Michalis, 2014; Murdock, 2014). Such balancing act continues to be the main policy axis of the EU in relation to cultural and audio-visual sectors, which is evident in the new EU Digital Services Act package, which includes the Digital Services Act (COM 2020/825) and the Digital Markets Act (COM 2020/842), the transposition of the reviewed Audiovisual Media Services Directive (AVMSD) from 2018, and the Recovery and Resilience Facility (Regulation (EU) 2021/241). EU policy has also moved beyond goal setting as the

example of GDPR shows that Europe is “a de facto global regulator for privacy” (Komaitis, 2018, as cited in: Flew, 2022). Nonetheless, the future impact of these and other policies remains to be tested and verified.

CONTENT OF THE SPECIAL ISSUE

Considering all of these processes, this special issue unpacks the social, political and economic dimensions of platformisation, while trying to move beyond deterministic usage of the term. The call for papers included a number of questions. How can we interpret changes in European Union policies relating to online platforms and cultural and audio-visual sectors? How well, if at all, are they challenging US platform monopolies? How are they balancing market competition with cultural diversity and pluralism? What new stakeholders are emerging and what new policies are drafted/created? How do cultural content producers grapple with changes in platform governance (e.g., pricing strategies, content curation, privacy policies)? What are the implications for produced and distributed content? What new types of creative labour practices are brought about by online platforms and how can we best analyse the policies developed to mitigate these changes? We are very thankful to our contributors who provided us with their answers to some of these questions and who prepared the ground for new ones to emerge.

In the first contribution to the special issue, Lilian Hanania addresses the risks and opportunities for cultural diversity resulting from platforms' personalization tools. The contribution is based on a legal analysis of the main provisions of the European Union General Data Protection Regulation (GDPR) on consumer profiling and automated decisions, as well as a sample of data protection policies of selected streaming platforms. Hanania shows how data protection policies may in practice affect the protection of consumers' personal data for the purpose of recommending personalised audio-visual and music content online. She shows how such provisions relate to the discoverability of a diversified cultural offer online and, at the European level, the obligation for platforms to give prominence to European works in their catalogues. In her concluding remarks, echoing the results of her analysis, Hanania shows that there is still a lot to be done in order to improve the transparency of personalisation algorithms and to provide users with better control of their data, as required by the GDPR.

The issue of cultural diversity in the context of online platforms is also tackled in the contribution by Karolína Vodičková who provides a detailed analysis of the impact of the global video-on-demand (VOD) services on national audio-visual production in the Czech Republic. The emphasis of the paper is on the changes occurring within television production as the audience is migrating towards the digital environment. Vodičková shows that this is perceived as an opportunity for television to appear more competitive while drawing on its unique knowledge of the national audience. The case study demonstrates how the audio-visual industry in the Czech Republic is an example of a strong national market whose evolution is impacted by the presence of global platforms such as

Netflix and HBO Max. By providing examples from the Czech platforms' market, the case study illustrates the expansion of the local broadcasting providers into the digital sphere through their own platforms and content. In her paper, Vodičková shows the direct and indirect impact of the streaming platforms on the local audio-visual market, as well as the local policies' response to them. Both the national public service broadcaster and commercial broadcasters found their ways of responding to the entrance of the global streaming giants. European Union policies have a share in this response, but the specificity of the national audio-visual market with a large share of the local audience, and high local production prove to be an important part of the cultural diversity argumentation and a basis for further policy development.

The contribution by Esther Martínez Pastor, Rodrigo Cetina Presuel, and Isabel Serrano Maíllo is a comparative study of compliance with advertising regulations related to content created by or aimed at underage people on YouTube in three countries – the United States, the United Kingdom, and Spain. The authors conducted a content analysis on a sample of 463 videos selected from children's YouTubers' channels that appeared in the top 15 positions of the Social Blade ranking and that were published in the period between 2016 and 2020. Martínez Pastor et al. seek to determine if videos disclose whether they contain commercial content and whether this is done in accordance with the current regulations. In addition, they explore whether personal data are requested for promotional purposes. The research data show that, although in all the researched countries there is a plethora of regulations in relation to the protection of personal data of children online and in relation to the protection of children from commercial content, it is not a common practice to disclose that content is commercial in nature in the researched videos. This echoes our first contribution in the special issue on the policy implementation gap on different instruments, not only in European Union but also globally.

Although representing a small segment of the platform regulation complexity, this special issue gathered interdisciplinary approaches that brought together diverse contributions highlighting the EU policy framework within which cultural and audio-visual production functions. The contributions show the explicit and implicit influence of EU policy instruments, as well as the fact that policy making and policy implementation still needs further development in certain areas. The authors in this special issue show that this is evident in terms of ensuring and enabling cultural diversity provisions, compliance with advertising regulations regarding the protection of minors on online platforms, and the explicit and implicit impact of the streaming platforms on local audio-visual production in a small-size European country. Contributions show that there is a need not only for further policy instruments in this field but also for more thorough research in this very complex field of contemporary culture. The complexity of this field is also evident in the selection of the reviews of the newly published research that is available in the reviews section of this special issue, representing some of the key issues in this burgeoning area of research.

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PLATFORMIZACIJA KULTURNOG I AUDIOVIZUALNOG SEKTORA U EUROPSKOJ UNIJI: NOVE POLITIKE ZA NOVE DIONIKE

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SAŽETAK *Ovaj uvodni članak daje kontekstualni okvir priložima u ovom broju posvećenom analizi utjecaja javnih politika Europske unije koje se bave online platformama koje djeluju na kulturni i audiovizualni sektor. Ovaj tematski broj časopisa okupio je autore iz različitih disciplina koji se bave pitanjima kulturne i audiovizualne proizvodnje unutar okvira javnih politika Europske unije. Prilozi u ovom broju ukazuju na eksplicitan i implicitan utjecaj javnopolitičkih instrumenata Europske unije, kao i na određeno zaostajanje u kreiranju i provedbi politika u pogledu odredbi o kulturnoj raznolikosti i usklađenosti regulacije oglašavanja kako bi se zaštitili maloljetnici na internetskim platformama. Također ukazuju na eksplicitan i implicitan utjecaj streaming platformi na audiovizualnu proizvodnju u jednoj europskoj zemlji, kao i na lokalne reakcije na njih. Članci pokazuju da postoji potreba ne samo za daljnjim javnopolitičkim instrumentima u tom području već i za detaljnijim istraživanjima u tom složenom području suvremene kulture.*

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