Regulating Culture: The Audiovisual Controversy in the GATT Accord

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INTRODUCTION

The General Agreement of Tariffs and Trade (GATT), created in 1947, strives to ensure that all countries enjoy equal access to the trade and raw materials of the world. GATT's primary thrust is its commitment to limit tariffs that a country will apply to the import of goods, and the generalization of these commitments to all GATT parties through the Most-Favored-Nation clause. In addition, GATT was constructed to perform the following functions: 1) protect the value of tariff concessions against nullification by nontariff import barriers; 2) establish a code of trade conduct to steer protectionist devices away from certain specific barriers; and 3) implement consultation procedures and joint action to perform the agreement's organizational functions.

In its early years, GATT guided the growth of international trade. More recently, it has served to control the protectionist tendencies of its participants. GATT has attempted to increase and encourage international trade through four rounds of multilateral negotiations. Since the formation of GATT, the Dillon Round (1960–62), the Kennedy Round (1963–67) and the Tokyo Round (1975–79) all resulted in tariff reductions. After the end of the Tokyo Round,
impetus for new negotiations resulted in the commencement, in 1987, of the Uruguay Round. In this round, some of the proposed topics for inclusion in GATT comprised textiles, agriculture, intellectual property rights and trade-related investment measures.

After seven agonizing years, the European Union (EU) and the United States, among other participants, finally agreed on several contentious issues and concluded the Uruguay Round of GATT on December 14, 1993. On April 15, 1994, ministers from 109 countries signed the most ambitious trade pact in history—an agreement which aims to reduce import tariffs by an average of forty percent. For the first time, trade in key areas like financial services and agriculture now will be subject to international trade regulations.

At the time of its signing in Marrakesh, Morocco, U.S. Vice President Al Gore described the impact of GATT as "truly momentous" and expressed support for the pact as a deal which is expected to stimulate overall growth of U.S. exports. The GATT secretariat, moreover, estimated the pact would increase global economic output by over $235 billion by the year 2002. On December 8, 1994, U.S. President Bill Clinton signed legislation implementing the Uruguay Round multilateral trade agreement negotiated under the GATT. Although previously controversial issues such as agriculture, textiles and financial services were almost completely resolved, EU and U.S. negotiators merely reached an "agreement to disagree" on major entertainment industry issues. Movies, television, popular

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9 Id. at 376-77.
10 Id. at 377.
13 Alan Riding, 109 Countries Sign Far-Reaching Trade Agreement, Dallas Morning News, April 16, 1994, at 1A.
15 Riding, supra note 13, at 1A.
music and other audiovisual products thus remain exempted from GATT.

To recognize the significance of the exemption of audiovisual products from GATT in light of the expanding U.S. participation in the European entertainment market, one need only examine the relevant statistics. American-made movies presently account for sixty percent of the market in France and seventy-two percent of the market in the rest of the EU. French films, in contrast, hold less than one percent of the U.S. market. In the television sphere, U.S. programs comprise over twenty-five percent of the market in Europe, while European exports are rarely made available for viewing in the United States. Overall, audiovisual products trail only commercial aircraft in total U.S. exports.

The United States, buoyed by the Hollywood-based entertainment industry, lobbied for the inclusion of audiovisual products in the GATT accord in an effort both to relax European quotas on foreign television programs and to win the right to share in the profits earned from European films. On the other side of the bargaining table, the EU, led by France, argued that the exemption of audiovisual products from GATT was necessary to preserve distinct European culture from dilution by cultural imports. Nevertheless, despite continuing discord regarding audiovisual products, negotiators on both sides concluded that the success of the entire GATT accord should not be forestalled by disagreement concerning just one industry. Accordingly, notwithstanding their differences, EU and U.S. negotiators eventually sealed the pact.

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19 See Chris Fuller, GATT Sez Scat to H'wood; France Hails, Valenti Rails at A/V Omission From World Pact, DAILY VARIETY, Dec. 15, 1993, at 1 [hereinafter Fuller, GATT Sez Scat].
20 Id.
21 Id. This disparity may be due, in part, to a belief in the United States that viewers dislike subtitles and dubbing. See id.
22 Id. The EU argues that the United States already holds 70,000 hours of European television time, about 28% of the market. In the United States, only the British garner sales that are anything greater than insignificant. Chris Fuller, Audio-Visual Gums Up GATT Talks, VARIETY, Dec. 20, 1993, at 27 [hereinafter Fuller, Audio-Visual Gums Up GATT Talks].
23 Fuller, GATT Sez Scat, supra note 19, at 1. In the EU, annual sales of U.S. films, television shows and videocassettes total about $3.7 billion. On the other hand, the EU exports only about $300 million of audiovisual products to the United States. Id.
25 See Adler, supra note 24.
26 See Keith Bradsher, The World Trade Agreement; the Overview: U.S. and Europe Clear the
This Comment will discuss the history of the dispute itself, beginning with the controversial 1989 European Community “Television Without Frontiers” Directive. It will then discuss the motivations behind the evolution of the Directive’s quota system. This Comment will then contrast the countervailing arguments set forth by EU negotiators, who contend that the exemption of audiovisual products from GATT is essential to preserve European culture, and U.S. entertainment industry executives, who contend that the European position is mere economic protectionism cloaked behind the guise of protection of cultural heritage. This Comment will then discuss the impact of the exemption, forecast future trends and ultimately conclude that this apparent victory by the EU will be short-lived.

I. THE INTRODUCTION OF A QUOTA SYSTEM WITHIN THE EC: THE “TELEVISION WITHOUT FRONTIERS” DIRECTIVE

On October 3, 1989, the European Community (EC) adopted the “Television Without Frontiers” Directive (Directive), a law designed to coordinate the broadcasting regulations of its Member States. The Directive sets common quotas concerning television programming within the EC, but specifically excludes news, sports and advertising. Article 4, the provision of the Directive which has generated

Way for a World Accord On Trade, Setting Aside Major Disputes, N.Y. TIMES, Dec. 15, 1993, at A1. In fact, Glenn J. Gumpel, executive director of the Directors Guild of America, stated “[n]o one on our side believed we should ask the President [Clinton] or [U.S. Trade Representative] Mickey Kantor to walk away from the GATT negotiations at [that] point after America [had] achieved what it reported in other areas and other industries.” Id.

27 See infra notes 31-54 and accompanying text.
28 See infra notes 55-66 and accompanying text.
29 See infra notes 67-85 and accompanying text.
30 See infra notes 86-102 and accompanying text.
33 Presburger & Tyler, supra note 32, at 499.
the most controversy, imposes what non-Member States consider to be unreasonable restrictions on foreign producers of audiovisual products.34

Many of the Directive's provisions originated in the *Green Paper On the Establishment Of the Common Market for Broadcasting, Especially By Satellite and Cable (Green Paper)*, published in 1984.35 In the *Green Paper*, the European Commission asserted that cross-border transmissions within the EC would promote integration and spread cultural enrichment.36 It also contended that cross-border transmissions would increase technological innovation within the EC while, at the same time, limiting the potential for domination by U.S. media giants.37

The Directive adopts many of the *Green Paper*’s proposals.38 For example, article 2 implements the proposal that broadcasting rights be extended to all EC Member States.39 Under this article, States can restrict transmission of cross-border transmission by another State only if the broadcasts would infringe the Directive’s safeguards regarding the protection of minors.40 In addition, the Directive sets minimum standards concerning the regulation of advertising, specifically banning advertisements for alcohol and tobacco.41

Nevertheless, while the Directive generally follows the *Green Paper*, it differs in article 4, a controversial provision dealing with "local content" broadcasting rules.42 Article 4 of the Directive states, in part, that:

Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext serv-

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35 COM (84) 300 final (June 14, 1984) [hereinafter *Green Paper*]; see Presburger & Tyler, supra note 32, at 496.
36 See *Green Paper*, supra note 35.
37 Id.; Presburger & Tyler, supra note 32, at 496-97.
39 Presburger & Tyler, supra note 32, at 498.
40 Directive, supra note 31, art. 2.
41 Id.
42 Presburger & Tyler, supra note 32, at 499.
ices. This proportion . . . should be achieved progressively, on the basis of suitable criteria.43

Unlike the Green Paper, which sought to foster a more vigorous indigenous entertainment industry, the Directive approach constructs the apparatus to implement a quota system for television programs and films produced outside the EU.44 Indeed, under the Directive, all television channels must contain at least fifty-one percent programming from Member States.45 Originally, France had proposed a strict rule mandating a sixty percent European content rule.46 Great Britain and Germany opposed this higher setting of the quota, and eventually France relented.47 Moreover, article 4 not only mandates a majority EU content standard, but also gives the Member States (rather than the individual television channels) the power to decide what constitutes practicable and appropriate measures to satisfy such standard.48 Finally, article 4 requires Member States to report to the Commission every two years to demonstrate that they have attempted to implement the quota system.49

In determining what constitutes a "European work" as applicable to article 4, article 6 defines these as broadcasts of works originating from EC Member States or from a European non-Member State which is a party to the Council of Europe Convention if (a) they are produced by one or more entities established in one or more of the Member States, (b) the production is supervised and controlled by producers established in at least one Member State, or (c) the contribution of co-producers of those States to the total production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.50

Although this quota system appears only to affect television, it actually directly hinders the sale of U.S.-created films in European movie theaters.51 This harm occurs because U.S. film companies license film rights to distributors in EU Member States.52 In France,
these distributors use the quotas as a tool to extract lower licensing fees by arguing that their ability to recover costs is precarious because they are not guaranteed to sell films to television as well as to theaters. The existence of this problem is corroborated by U.S. film industry executives.

II. Motivations Behind the Evolution of the Directive's Quota System

EU Member States contend that the quota system embodied in article 4 of the Directive is necessary to preserve European cultural identity from the dominance of its media markets by foreign, non-European works. Member States view the unique culture of countries within the EU as cultural capital formed over many centuries. As such, Europeans believe that culture should not be allocated in an open market according to general economic principles.

The quota system also evolved because media producers in the EU are thought to be at a competitive disadvantage with their counterparts in the United States. While media producers in different European countries tend to be very small and generate products in different languages, U.S. media producers are larger and produce television programs and films in English. This gives the U.S. companies access to a far broader market. Therefore, in an effort to protect their own broadcasting industries, European television and film producers maintained that quotas were the ideal vehicle to prevent domination by U.S. companies.

53 Id.
54 Id. Indeed, according to Jonas Rosenfield, President of the American Film Association, "This is a real problem that our members are facing in France." Id.
55 Ross, supra note 3, at 529–30.
57 See id. To some, cultural capital is critical to the survival of Member States. See id. As explained by Kaplan:

There was a long tradition of state regulation of goods that were not considered to be ordinary goods. In eighteenth century France, such state regulation was of grain and bread. Culture was in many ways the grain of the 1980s: it was too important to be left in the hands of the merchants.

58 Schwartz, supra note 32, at 351–52.
59 Id.
60 See id.
61 See id.
In addition, the quota system developed in response to a growing U.S. presence on European television in the 1980s due to an expansion in the number of television channels and an increased desire for programming. Many European producers chose to purchase U.S. programs because it was far more economically efficient to purchase an English language product and dub it into the local language than to try to create an original production from its beginning stages.

Finally, according to EU insiders, intensive anti-quota lobbying by the United States also contributed to the Directive's enactment. Indeed, former British Broadcasting Company (BBC) executive David Webster stated: "[t]he American pressure has been of such a nature that it has irritated most European countries. It may have persuaded the French that the Directive may have been a good idea after all, because if it annoys the Americans that much, there must be something good about it."

III. THE DEBATE REGARDING MOTIVATIONS BEHIND EFFORTS TO EXEMPT AUDIOVISUAL PRODUCTS FROM THE GATT ACCORD: EU VS. U.S. PERSPECTIVES

The EU Member States entered GATT's Uruguay Round with three main objectives. First, the EU wanted the quota system introduced in the Directive to remain intact. This would ensure exposure for local-made films programmed on European television, but would also include an "opt-out" clause to enable certain Member States to avoid these limits. Second, the EU wanted local broadcast entities to continue to receive subsidies. Third, the EU desired the flexibility to manipulate these systems of quotas and subsidies based on future changes in the audiovisual industry. France, in addition

62 Adler, supra note 24.
63 Id. While it could cost millions of dollars to produce just one episode of a French television series, one episode of a show produced by a U.S. company can be purchased for merely $50,000. Id.
64 Id. According to Jonas Rosenfield, a one-hour program that costs $1.5 million to produce can be dubbed for less than $100,000. Id.
65 Schwartz, supra note 32, at 353.
66 Id.
67 Fuller, Audio-Visual Gums Up GATT Talks, supra note 22, at 27.
68 Id.
69 Id.
70 See id.
71 Id.
to maintaining the aforementioned objectives, feared that unless all audiovisual issues were exempted from the GATT accord, the Directive's provisions would be dismantled and the market within the EU for domestic entertainment products would evaporate. 72

The rationale underlying the EU objective to exempt all audiovisual products from GATT appears motivated by the same type of divergent concerns as the Directive. On the one hand, by means of the exemption, the EU contends that it is seeking to preserve national and regional identities within the EU. 73 On the other hand, U.S. film executives claim that the EU is practicing economic protectionism and that Member States desire an exemption to equalize the competitive disadvantages that they necessarily confront in the audiovisual industry. 74

The EU views restrictions on audiovisual products primarily as a means to preserve national European culture and combat the "terrifying menace" posed by U.S. popular culture. 75 In a public letter published in entertainment industry newspapers in Hollywood, California, well-known European directors joined to write: "[w]e are only desperately defending the tiny margin of freedom left to us. We are trying to protect European cinema against its complete annihilation." 76 These directors contend that U.S. films and television productions have the potential to engulf and, thus, eliminate indigenous European works. 77 If the United States is successful, they stated, "there will be no more European film industry left by the year 2000." 78

From the U.S. perspective, many leaders within the U.S. entertainment industry characterize the motives of EU media producers as economic, rather than cultural, protectionism. 79 For example, Jack Valenti, chief of the Motion Picture Association of America (MPAA), the studios' primary lobbyist for twenty-five years, claims that the

72 See Fuller, Audio-Visual Gums Up GATT Talks, supra note 22, at 27.
73 See Presburger & Tyler, supra note 32, at 505; see also supra notes 55-57 and accompanying text.
74 See infra notes 79-82 and accompanying text.
75 Stephen Chapman, The Real Enemy In the Battle to Save European Culture, CHI. TRIB., Jan. 2, 1994, at 9C.
76 Bernard Weinraub, Even Hollywood Plays a Role in GATT; Europe Wants Quotas on American Films and U.S. Cries Foul, S.F. EXAMINER, Dec. 12, 1993, at A-18. The European directors who signed the letter include Pedro Almodovar (Spain), Bernardo Bertolucci (Italy), David Puttnam (England), Stephen Frears (England), and Wim Wenders (Germany). Id.
77 See id.
78 Id.
79 See infra notes 80-83 and accompanying text.
objectives of the EU in the audiovisual area during the GATT accord did not concern cultural preservation at all.\textsuperscript{80} He states, however, that the culture stance was nothing more than a smokescreen for financial concerns and that "[t]his is all about the hard business of money."\textsuperscript{81} This view has been corroborated by other U.S. film executives who characterize the stance of the French government as pure arrogance and anti-American protectionism.\textsuperscript{82}

These strong views and claims of protectionism by U.S. film industry players and executives might stem, in part, from the EU’s rejection of the proposals set forth by U.S. negotiators during last-minute GATT discussions.\textsuperscript{83} In any event, there are legitimate con-

\textsuperscript{80}David Dodwell, \textit{U.S. Opt to Bide Time on Audio-Visual Battle}, FIN. TIMES (London), Dec. 15, 1993, at 6; Weinraub, supra note 76, at A-18. Said Valenti: "If you equate Europe’s game shows and talk shows with Molière and Racine, then that’s about culture. But the culture issue is a transparent cloak, and I want to disrobe Europe on this." Dodwell, supra.

\textsuperscript{81}Valenti Charges EC Protectionism, supra note 12. Valenti argues that the U.S. film industry has occupied such a large portion of the market in Europe because of the relative superiority of U.S. films. See Dodwell, supra note 80, at 6. The rise in the U.S. share of the film market in France "was due not to rising U.S. showings, but to falling audiences for French films." Id. Indeed, between 1983 and 1992, the total audiences for French-made films in French movie theaters declined from 90 million to 48 million per year, while U.S. productions fell only slightly, from 70 million to 68 million. Id.

\textsuperscript{82}See Weinraub, supra note 76, at A-18. Frank Price, currently a producer and formerly Chairman of Columbia Pictures, claims that "[w]hat they don’t like is that audiences find American entertainment desirable. They want to prevent that." Id. Other executives concur, noting that the United States fixes no limits on the importation of foreign films. Id. The main difference, of course, lies in the fact that there is negligible interest in foreign films in the United States, while top 1993 U.S. films like "Jurassic Park," "The Fugitive," and "The Firm" have enjoyed phenomenal success overseas. Id. Martin Scorcese, one of the most prominent filmmakers to comment on the issue, stated that "[c]losing the borders would not guarantee a rise in creativity in the local countries or even a rise of interest on the part of local audiences." Id.

\textsuperscript{83}See Dodwell, supra note 80, at 6. Before the EU achieved its objective of exempting audiovisual products from the GATT accord, U.S. negotiators presented a four-part compromise. Id. First, U.S. negotiators agreed to permit the EU to continue to reserve half of local programming to European television productions, but the United States wanted this to apply to the entire 24-hour day. Id. This would have removed the current ban on non-European productions in prime time. Id. Second, for emerging signals like satellite and cable, U.S. negotiators proposed to allow the EU to control 50–70% of all the channels, as long as each channel did not have to carry over 50% European content. Id. With this quota applied to each individual channel, the survival of specialty stations like the Disney Channel and Nickelodeon might be in danger. See Dodwell, supra note 80, at 6. Third, U.S. negotiators proposed that U.S. entities and artists be entitled to their "fair share" of the taxes collected on blank audio and video tapes. Id. In return, the United States would make a commitment to invest a portion of the money earned in Europe’s film and television industries. Id. Fourth, U.S. negotiators felt that "pay-per-view" channels should not be restricted because consumers should be allowed to make a free choice to watch a certain film. Id. This proposal was summarily rebuffed and the audiovisual exemption to the GATT accord thus became a reality.
cerns on both sides of the debate: although the EU’s goal of preserving its own cultural identity is legitimate and important, the means employed to achieve this goal—the quota system—nevertheless appear tainted by economic protectionism, a practice discouraged by GATT.

IV. THE IMPACT OF THE EXEMPTION OF AUDIOVISUAL PRODUCTS FROM GATT AND FORECASTS OF FUTURE TRENDS

Until recently, only France strived to enforce the restrictions of the Directive. In the wake of the cultural exemption to the GATT accord, however, the trend in the EU is toward greater regulation of audiovisual products. Accordingly, even traditionally less restric-

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84 See supra note 56 and accompanying text.
85 See supra text accompanying notes 5-6.
86 Dougan, supra note 12, at B7. France, in fact, fined Canal Cinq, its popular independent television channel, millions of francs for showing too many U.S.-made productions. Id. This ultimately contributed to the demise of the channel. Id.
87 Indeed, the European Federation of Audiovisual Producers (FERA), a Brussels-based director’s lobbying group, proposes fifteen measures to improve the film and broadcasting industries in Europe. Audiovisual Sector: 15 Steps to Galvanise European Industry, Eur. Rep., Feb. 26, 1994, at sect. IV (internal relations), No. 1929. FERA proposes a system of tax incentives to encourage financial investment in European films, a mechanism to allow pay-TV companies to broadcast films just one year after they debut in movie houses, and an overhaul of the “Television Without Frontiers” Directive. Id. In addition, FERA proposes the creation of a “High Authority for the Audiovisual Sector,” modeled after the U.S. Federal Communications Commission (FCC). Id. The FERA plan proposes to: (1) establish a tax incentive system in Europe to encourage investment in the distribution and promotion of European films; (2) set up cinema hall networks (in the form of a European Economic Interest Grouping) throughout Europe and give them backing through an EU-funded program; (3) create facilities for the routine dubbing of films into the five main European languages (German, English, Spanish, French and Italian); (4) promote the widespread use by cinema halls of European technology for multilingual projections and offer tax incentives towards this end; (5) create an inter-trade body for the promotion, circulation and distribution of European-made films; (6) offer cinema hall operators a minimum sum to offset any loss they suffer from showing “financially risky” European films and helping to draw the public in to see European films; (7) extend the pay-TV system (of the Canal+ type) to each country with a requirement to invest in national production in return for being able to broadcast films only 12 months after they come out in the cinema halls; (8) develop financial joint production initiatives between Member States by means of joint production agreements and revising present agreements; (9) open up European aid schemes and the regulatory framework to Central and East European countries by using the resources of the PHARE and TACIS programs; (10) ensure that some of the resources from regional funds are transferred to the EU; (11) replace (as far as possible) the automatic subsidy system by the repayable loan scheme (advances on receipts); (12) set up a receipt guarantee fund operating by redistributing national and Union receipts between various film distributors; (13) ensure the preservation of the European cinema heritage and use education to promote access to cinema culture and training in cinema-related trades; (14) take care in each country with a cinema or audiovisual industry and infrastructure to safeguard the working resources of the professionals and the human
tive countries like Germany and the United Kingdom are now enacting specific restraints upon U.S. programming. Moreover, France and Spain have enacted laws even broader in scope and more restrictive than the Directive's quotas. Consequently, the French parliament has approved a law, directly affecting the radio industry, which requires at least forty percent of songs played on French radio stations to be in French. Likewise, in Spain, a theater must now allot one day for screening European-produced films for every two days that it screens films from the United States.

Granted, if the EU's objectives in exempting audiovisual products from the GATT accord were solely concerned with preserving or subsidizing culture, opposition to these policies would be unfounded. As an illegitimate means of economic protectionism, however, the system opposes one of the functions of GATT: to increase and encourage international trade while limiting the protectionist tendencies of its members.

Despite the trend toward greater restrictions within the EU, the means employed—a quota system—cannot persist indefinitely. First, the quota system will collapse because it is motivated not by the valid objective of cultural preservation, but, rather, by the illegitimate goal of economic protectionism. Second, even if the objective employed is legitimate cultural preservation, the quota system approach cannot endure in such a fast-growing industry. If preservation of culture is permitted to be used as a justification for restriction within the entertainment industry, this same standard may be used by other countries to regulate all forms of information for transmission.

capital needed in the manufacture of films; and (15) amend the Directive by evening out the definition of European works and making the text less binding. Id.

88 Dougan, supra note 12, at B7.
89 Chapman, supra note 75, at 3C.
90 Id.
91 See id.
92 See Dougan, supra note 12, at B7. In reality, almost every country—including the United States—attempts to preserve its own culture through the use of subsidies and fiscal incentives. Id. Indeed, preserving culture may be a justifiable, if not a necessary, goal in the EU as well. See generally Kaplan, supra note 56, for a cogent commentary discussing the reality of the European cultural crisis.
93 See Laursen, supra note 7, at 575; Ross, supra note 3, at 558.
94 Thompson, supra note 5, at 5.
95 Dougan, supra note 12, at B7.
96 See supra notes 79--82 and accompanying text.
97 See Dougan, supra note 12, at B7.
98 Dougan, supra note 12, at B7; Ross, supra note 3, at 558. In addition, Ross concludes: "If such a cultural protection is accepted by the trading world, other nations will be inclined to
Moreover, this trend could be exacerbated in the future as rapidly expanding computer technology blurs boundaries between the different media of television, sound and film.  

Third, EU Member States, through the quota system, are denying their citizens the basic freedom to choose which audiovisual products they wish to access.  This freedom is codified in article 19 of the United Nations Declaration on Human Rights which guarantees the "right to freedom of expression and opinion." This article expressly states that "[t]his right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." By imposing quotas on foreign audiovisual products, the EU is infringing on these important, universally-recognized rights.

CONCLUSION

In order to pass the GATT accord, the United States ceded to the economic protectionist views of the EU. Although the audiovisual exemption to GATT is now in place, the United States should continue to fight for a more open market in this industry. In a free market, media producers and entertainment companies should be allowed to prosper from the distribution of quality productions regardless of cultural content. Indeed, because GATT encourages free trade, it should not condone economic protectionism disguised as cultural preservation.

Because the EU will be unable to control booming developments in communications technology, protectionist measures regarding audiovisual products will not be effective in the long run. In addition, such an easily manipulated standard may be dangerous to a broad range of industries in the future. Moreover, even if the measures are protectionist in the cultural, rather than the economic sense, members of the EU public should not be deprived of their right to choose whatever audiovisual product they prefer without regard to country of origin or cultural content.

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employ it to protect their own industries. Quotas on films, music, and books all would fit comfortably within this fallacious cultural protection rationale." Id.

99 See Dougan, supra note 12, at B7.
100 Id.
102 Id.