



University of the
West of England

MA/PG Diploma in Western European Cinema

Applications are invited from those wishing to study on a full-time or part-time basis.

The course addresses issues relevant to British, European and International cinema, focusing on the European dimension but also looking at methods of film analysis, new media, film theory/history and Hollywood.

For more details and an application form please contact:

Faculty of Art, Media and Design

UWE Bristol

Bower Ashton Campus

Kennel Lodge Road

Bristol BS3 2JT

Telephone 0117 966 0222 ext 4753

Fax 0117 976 3946

*Promoting educational opportunity and the
application of knowledge*

Marketing Maastricht: the EU and news management

Howard Tumber

CITY UNIVERSITY, LONDON, UK

*Un homme qui n'est pas informé est un sujet;
un homme informé est un citoyen. (A. Sauvy)¹*

There has been considerable discussion in recent times about the increasing use of public relations and information management in modern societies. In Europe the 'selling' of the Maastricht Treaty has brought these issues into sharp focus. The European Union (EU) is particularly concerned with its image at a time when its unpopularity with its citizens appears to be growing. Critics of the Maastricht Treaty have argued that its implementation will result in the loss of economic sovereignty at the local level among nation states that decide to participate, while its adherents have attempted to counter this argument by promoting the idea that sovereignty would be enhanced by European union.

It has been argued that, for the first time, a break exists in the traditional support of European citizens for the cause of European integration and that European construction (the 'good project') is no longer a subject of unanimity, nor is it perceived as something normal or obvious, or even as being imperative. Public attitudes in Member States as reflected in the referenda over the Maastricht Treaty and the debates in national parliaments appear ambivalent and contradictory (De Clercq, 1993: preface, 2). The economic recession in Europe coupled with the warnings by Eurosceptics about the effects of the Maastricht Treaty have led to widespread doubts about the European ideal. A matter of concern for 'Brussels' is that economic failures, in particular, are being blamed on European Union while Member States take credit for any successes.

One explanation often put forward, by governments and institutions, to account for changes in public opinion and the reduction in public support for their particular policies is that 'the message is not getting across' and one of the principal features of recent change has been the increasing use of long-term promotional strategies by governments, political parties, institutions and corporate interests to promote their image and influence policy-making.²

Perhaps foreseeing 'trouble' ahead, the Maastricht Treaty itself expressed

concern about the 'openness' of the European Community and made some provision for the dissemination of material.

For the European Union two main issues are involved. Firstly the 'openness' of the European Union and secondly the 'selling' of its policies and institutions. The two, though, are inextricably linked and the following analysis of events demonstrates the development of the EU's recent information policies.

During the process of adoption of the Treaty on European Union at Maastricht on 15 December 1991, a declaration was made on improved public access to information. It stated that:

the Conference considers that transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration. The Conference accordingly recommends that the Commission submit to the Council no later than 1993 a report on measures designed to improve public access to the information available to the institutions. (Commission, 1993a: 2)

This declaration was annexed to the Treaty signed in February 1992. It is evident that the problems over ratification of the Maastricht Treaty were foreseen and that therefore the need to 'sell' the idea of European Union was going to be a major task.

At the European Council held in Birmingham in October 1992, Member States restated their eagerness to bring the Community closer to its citizens and, needing to respond to the concerns expressed in the current debate, declared:

We must:
demonstrate to our citizens the benefits of the Community and the Maastricht Treaty;
make the Community more open, to ensure a better informed public debate on its activities. (Council, 1992: 9)

The Birmingham declaration was thus a reaffirmation of the 'openness' policy. It also stated that Foreign Ministers would suggest ways, before the Edinburgh Council due to take place two months later, of opening up the work of the Community's institutions, including the possibility of some open Council discussion. The Council, in addition, asked the Commission 'to complete by early next year (1993) its work on improving public access to the information available to it and to other Community institutions. We want Community legislation to become simpler and clearer' (Council, 1992: 9).

The Commission's initial response to the Birmingham declaration and to the general debate on openness was to adopt two complementary communications, the first on transparency and the second on special interest groups. The purpose of the first communication was to provide a basis for an initial discussion on its contribution to openness. The Commission envisaged the process of transparency encompassing:

1. Opening up its work in a number of areas including open debates.
2. An increase in information regarding Council's decisions — better background information and press briefings.
3. An increase in general information on the role and the activities of the Council to include the earlier publication of the annual report and to make it more

accessible to the public. It also suggested a reinforcement of the Press Service: the establishment of a programme for visits of journalists not based in Brussels.

4. The co-operation between Member States and Community institutions in information field with the aim of developing co-ordinated information strategies. More rapid transmission of material by the use of new communication technologies.

5. An attempt to make new Community legislation clearer and simpler and make existing legislation more accessible. Two methods were outlined to accomplish this, namely a more organized use of consolidation or codification and improvement of the Celex data base system (Presidency, 1992: 18–20).

The purpose of the second communication was to define the ground rules for open, structured dialogue between the Commission and special interest groups. Since the passing of the Single European Act there has been a sharp increase in lobbying at Commission level. There are believed to be approximately 3000 special interest groups operating in Brussels with up to 10,000 employees working in the lobbying sector. While there are no explicit rules for special interest groups, the Commission has a general policy not to grant privileges such as the issuing of passes and favoured access to information. Apparently there have been cases where more aggressive styles of lobbying have occurred. Misdemeanours have been reported such as 'lobbyists selling draft and official documents; lobbyists misrepresenting themselves to the public by the use of Commission symbols; lobbyists who are in possession of a press card and therefore have direct access to press conferences and press releases' (Commission, 1993b: 2–3).

The European Commission carried out a fact finding exercise on special interest groups by looking at the rules and procedures on lobbying in Member States and third countries and, following the investigation, set out directions for future policy including the establishment of a single Directory of special interest groups; a Code of Conduct between the Commission and special interest groups (Commission, 1993b: 2–10).³

The Edinburgh Council in December 1992 welcomed these measures and the Commission was invited to complete its work on improving access to information. The European Council in Copenhagen in June 1993 restated its commitment to continue progress in developing a more open and transparent community. The Presidency conclusions stated: 'in the area of public access to information, it invites the Council and the Commission to continue their work based on the principle of citizens having the fullest possible access to information. The aim should be to have all necessary measures in place by the end of 1993' (Commission, 1993c: 1).

The Commission's response continued with the publication of two documents in 1993. The first, in May, was a communication on Public Access to the Institution Documents and gave the results of the Commission's survey of policies on access to information in the Member States and in some third countries (Commission, 1993a). The Commission noted that access to information consisted of two main elements: firstly, measures taken by the authorities themselves aimed at informing the general public of their actions and, secondly, the making of information available upon request from a member of the public. The results of this survey showed the different experiences of improved access to information. Giving a historical overview regarding the secret workings of public administration, the Commission noted the growing pressure during the 1960s for more open government and for freedom of information. The Commission mentioned three elements comprising this push: a desire for a stronger form of democracy with public affairs being conducted more openly; that parliamentary control over administration appeared to be less effective; and that a more open approach stimulates informed debate on public policy issues (Commission, 1993a: 7).

The Commission showed that a number of Member States and third countries gradually had adopted a series of measures designed to open up and improve public administration:

Inside the Community, Denmark, France, Greece and the Netherlands have statutes establishing general public rights of access to government information. In Belgium, draft proposals on establishing the right of access to information are currently under discussion at federal and regional level. As is also the case in many other countries, Portugal, Spain and the Netherlands have constitutional provisions regarding a general right of access to information without, however, Portugal and Spain having yet implemented specific legislation. (Commission, 1993a: 9)

Although some Member States do not have general access to information law there are various regulations allowing access in specific areas. In Britain no legislation exists on a general right of access to information.

In taking account of the survey the Commission concluded that there was a 'strong case for developing further access to documents at Community level' and invited the other institutions to 'cooperate in the development of such an approach which should contain at least the fundamental principles and a minimum set of requirements' (Commission, 1993a: 3).

The second communication by the Commission published in June 1993 entitled *Openness in the Community* noted progress made so far and outlined further Commission measures to improve its relations with the general public (Commission, 1993d).

In December 1993 the Council and Commission produced a joint Code of Conduct Concerning Public Access To Council And Commission Documents to take effect from 1st January 1994 (Council, 1993: 41-4; Commission, 1994a: 58-61). The Code established a general principle of wide public access to Council and Commission documents. Applications and requests for access to documents would have to be made in writing and a fee was to be set by the Secretary General.⁴ Unsurprisingly, perhaps, the code also provided a number of grounds upon which access could be refused. Article 4 of the Code/Decision stated:

1. Access to a Council document shall not be granted where its disclosure could undermine:

- the protection of the public interest (public security, international relations, monetary stability, court proceedings, inspections and investigations),
- the protection of the individual and of privacy,
- the protection of commercial and industrial secrecy,
- the protection of the Community's financial interests,
- the protection of confidentiality as requested by the natural or legal person who supplied any of the information contained in the document or as required by the legislation of the Member State which supplied any of that information.

2. Access to a Council document may be refused in order to protect the confidentiality of the Council's proceedings. (Council, 1993: 43-4)

This last point was the result of a compromise among the Member States after the Netherlands and Denmark had opposed the 'catch all' confidentiality clauses promoted by Belgium, the UK, Germany and Portugal. The Dutch having voted against the compromise wanted the code annulled and their European Affairs Minister argued that they were doing this because 'support for European integration is

already in doubt because of too many bureaucratic and secretive structures' (*Financial Times*, 5 February 1994: 2). Following the adoption of decisions concerning implementing measures, the code of conduct was put into practice by the Commission on 15 February 1994. Access to unpublished Commission documents can now be requested by anyone.⁵

However, in the light of the 'exclusion' clauses contained in the Code it is clear how successful attempts would be to obtain information from EU institutions. This commitment to freedom of information has recently been tested by *The Guardian* newspaper which in February 1994 submitted formal requests for Council documents. These included the minutes of different meetings of the social affairs and agriculture councils. The documents from the social affairs council were sent to *The Guardian* and included minutes which revealed the bitterness expressed by Member States about the securing of an opt-out by the United Kingdom of an EC directive concerning the exploitation of child labour. The office of the Council Secretary-General refused to send most of the justice council papers 'since they refer to the deliberations of the Council and cannot under its rules of procedure be disclosed' (*The Guardian*, 15 April 1994: 8). The agriculture minutes were not available.

The Guardian submitted a formal appeal against the refusal to supply the justice minutes arguing that their status was the same as those of the social affairs minutes which were sent. The appeal was rejected and in addition *The Guardian* was informed that the decision to make the social affairs material available was an 'administrative error'. The justification for this reply was that these kinds of disclosures 'would breach the confidentiality of Council proceedings by revealing the positions taken by member states' (*The Guardian*, 15 April 1994: 8).

The Netherlands, in line with their general opposition to the code, entered a formal reservation and accused other Member States of failing to provide an explanation as to why the case for openness was outweighed by a need to protect confidentiality (*The Guardian*, 15 April 1994: 8).

The Guardian has challenged the ruling to refuse access to the documents by lodging an application at the European Court of Justice. In a further development Foreign Ministers of the European Union have asked their ambassadors to prepare proposals outlining how the code could be made to operate efficiently. The decision appears to rest between having a complete blanket ban on the disclosure of Council minutes or introducing some new method for deciding which documents should remain secret (*The Guardian*, 17 May 1994: 22).

The issue of open government within the EU has now been taken up by politicians as part of their own agendas. While the democratic nature of the EU has long been a focus of political debate, the secrecy of EU decision making has entered the political sphere. In a trip to Brussels, Tony Blair, prior to being elected as leader of the British Labour Party, stated: 'It is absolutely scandalous that important decisions are taken behind closed doors and are barely reported to national parliaments afterwards' (*The Guardian*, 8 July 1994: 6).

At the same time that the Council and Commission were drafting the code of conduct, the Committee on Culture, Youth, Education and the Media of the European Parliament was drawing up a report on the Information Policy of the European Community. The Committee had been asked to draw up a report in February 1992 and it was completed in July 1993 (Oostlander, 1993). Mr Ari Oostlander, the rapporteur, in presenting the report to the European Parliament in September 1993, was very critical of the Council accusing it of being 'the greatest obstacle to democratic openness' and that 'the amount of "transparency" produced by that body is frankly laughable, and would go down well in some "Eurocabaret"

(Parliament, 1993). The report provides an interesting contrast to the Council and Commission final code in that it attempts to promote better information and communication policy as a way of democratizing politics by reducing the gulf between citizens and politics (Oostlander, 1993: 5). Taking note of the results of the referenda on Maastricht in Denmark, Ireland and France, the report acknowledged 'the tendency to attribute the lack of commitment (to Europe) to shortcomings in information policy'. However, the report added, 'an information policy cannot make good what is structurally wrong in the European Community' (Oostlander, 1993: 11). The report set out what was needed to ensure an effective policy: changes in methods — audiovisual versus leaflets; an increase in the budget; and increases in efficiency — changes in location of audiovisual services, better library provision and the importance of the contribution of external offices.

More interestingly, the report attempted to address the question of the democratic deficit by arguing for European Parliament primacy over political democracy: 'for decades the future of the Community has been in the hands of a restricted, well-entrenched group of people taking decisions behind closed doors. Their activities have not been open to the public' (Oostlander, 1993: 12). On the issue of public information the report set out an agenda which has some semblance to a modern model of a public sphere operating within liberal democratic states and institutions. It is worth quoting part of it as an illustration of current thinking and of the differences in ideas regarding information policy between institutions of the EU.

Public information is a special form of communications in which systematic efforts are made to pass on information to ordinary citizens and their social organisations to enable them to form and express their own opinions. Public information is concerned with fostering a greater awareness but also with implementing government policy. It is a form of persuasion and it is expressed in the following ways:

- a. information on what policy has been adopted;
- b. information on major policy initiatives;
- c. information on social problems to which a solution can be found through information geared to a voluntary change in the behaviour of the citizen.

The Community's public information policy should be designed to help develop the constitutional status of the community and European democracy in its political and social context. It should enable individuals and their social organisations to find out how the Community protects the traditional basic rights and promotes social rights. Individuals and their social organisations also need to know how they can appeal to and influence the Community if the need arises. An information policy should not be directed solely at achieving a positive response from individuals and their organisations. It can also encourage them to engage in a critical dialogue. The information policy is therefore much more important than 'selling policy', because as far as the Community is concerned its people are both citizens and the object of policy. In other words, European laws and rules are directed at citizens and their organisations as a means of implementing policy. But individuals can also change laws and rules via the European Parliament. That is their democratic right. (Oostlander, 1993: 13)

These views — of how public information can inform a critical dialogue and that information policy is more important than selling policy — are very different from those produced in a report by another committee chaired by Mr Willy De Clercq, a member of the European Parliament. This report, entitled 'Reflection on Infor-

mation and Communication Policy of the European Community', was completed March 1993. The objective of the De Clercq committee, which was set up by the European Commission in November 1992, was 'to propose a communications and information strategy within a mid-term perspective, in which the Institutions and the Member-States take account of the needs, preoccupations and hopes of citizens in a decisive moment in the process of European integration' (De Clercq, 1993: preface).

The committee comprised two senior officials of the Commission and five media 'experts' including: the president of the Madrid operation of J. Walter Thompson; the deputy director of the French based Havas agency; and the director-general of the European Association of Advertising Agencies.

The report argued that the European Community was in a critical situation in terms of confidence, credibility, desirability, economic performance, peace keeping, capability, public approval and public support and that the main reason for this critical situation was that the Commission and some of the Member States were trying to 'sell' the wrong 'product' — namely, the Maastricht Treaty. Rather it was the European Community now developing into European Union which needed to be 'sold' (De Clercq, 1993: 3-4). The report was described as coming 'across as an ad-man's pitch for selling Europe' (Barton, 1993: 25) with its allusions to branded products and talk of targeting the European 'message' to different groups including women (who were seen as the most receptive of 'receivers' and the most active of 'relays'), youth, business people, politicians and officials, and journalists, editors and programme directors. This latter group were termed 'relevant multipliers' who 'must be persuaded to present the achievements, the benefits, the opportunities in a positive, optimistic way, and not delight in criticism and failure'. The report went on to suggest that 'as far as possible, "Europe" should be integrated into the information, entertainment, advertising and didactic functions of media, not isolated in special sections' (De Clercq, 1993: 12). In essence, this was the outline for a marketing strategy for the European 'ideal'. The report made a number of suggestions for improvement including the setting up of an Office of Communications; employment of professional public relations personnel; use of electronic media; and various other recommendations including information networks to allow citizens direct access to community policies.

Following the publication of the De Clercq report, Mr Joao de Deus Pinheiro, the EC commissioner for internal political relations, called it a politically tin-eared ad-man's fantasy and, according to press reports, some senior officials wanted to suppress what was seen as a damaging recipe for a public relations fiasco (*Financial Times*, 5 April 1993: 30). Pinheiro himself has been attempting to slim down and reorganize DG10, the Directorate responsible for Audiovisual Media, Information, Communication and Culture. The aim is to provide information on each area of EU policy and to provide an independent group to monitor DG10 for the quality and timeliness of its information.

A Commission communication on improved access to documents stated that 'An important feature of the agreements at Maastricht was their emphasis on opening the work of the European Union up to the public' (Commission, 1994b: 5). As the sequence of events outlined above demonstrates, the Code of Conduct finally drawn up was an attempt to improve the public's access to information and to bring the European Union closer to its citizens by encouraging more widespread debate on European affairs.

However, the various exclusion clauses in the code of conduct suggest that these sentiments may not be implemented in practice. It would appear to be the case that no documents will be released that identify the positions of the national governments

of Member States. Some Member States have a situation in which the EU is blamed for being undemocratic while at the same time their own image is being protected by not releasing minutes detailing their approaches to Council decisions.

The Maastricht Treaty highlighted the importance of information in generating support for EC policies. It unleashed a number of reports and documents on the future of information and communication policy. A legitimizing process has begun and the battle for its direction is being fought out — epitomized by the opposing ideas and strategies of De Clercq and Oostlander.

The main problem for the EU is that, as Euro-scepticism grows (underpinned at the present time by London and Rome), it is having to compete for publicity with national governments of Member States in a game still officiated by national media and particularly the national press. At the moment it is the EU which is receiving most of the yellow cards.

Notes

This article is a revised version of a paper presented to 'Turbulent Europe: Conflict Identity and Culture', EFTSC London, July 1994.

1. A quote used at the front of the De Clercq Report. Rather ironic in the light of the Report's sentiments.

2. For a recent study of promotional activities in the criminal justice field see Schlesinger and Tumber (1994) and for the activities of business see Tumber (1993a).

3. The minimum requirements for a code have been set out by the Commission and include provisions on public presentation; behaviour; dissemination of Commission information; and organisations through which special interest groups would communicate with the Commission. See Annex II C 63. In Britain the practices of lobbyists have come under increasing scrutiny. In a number of cases journalists posing as businessmen offered money both to Members of Parliament and to lobbyists to ask Parliamentary questions. In order to investigate these practices and advise on new rules of procedure a public inquiry headed by Lord Nolan was set up by John Major, the Prime Minister, at the end of 1994 and which reported in May 1995.

4. The 1980s witnessed the growing commercialization of government information. In the US see Demac (1984, 1989), in the UK see Tumber (1992, 1993b).

5. Applicants for Commission documents are supposed to receive an answer within one month.

References

- Barton, J. (1993) 'European Community Information Developments — Reflection on Information and Communication Policy of the European Community', *European Access* 3 (25).
 Carvel, J. (1994) 'EU's Spirit of Openness Proves Illusory', *The Guardian* 18 April.
 Carvel, J. (1994) 'Guardian Case Forces EU to Review Secrecy Code', *The Guardian*, 17 May.

- Carvel, J. (1994) 'Blair attacks Brussels "secrecy"', *The Guardian*, 8 July.
 Commission of the European Communities (1993a) *Public Access to The Institutions' Documents*. Communication to the Council, the Parliament and the Economic and Social Committee, 191 final Brussels, 5 May.
 Commission of the European Communities (1993b) 'An Open and Structured Dialogue between the Commission and Special Interest Groups', *Official Journal of the European Communities* C 63 (5 March).
 Commission of the European Communities (1993c) 'Background Report: Towards a More Open Community', ISEC/B23/6 July.
 Commission of the European Communities (1993d) *Openness In the Commission*. Communication to the Council, the Parliament and the Economic and Social Committee, 258 final Brussels, 2 June.
 Commission of the European Communities (1994a) 'Commission Decision of February 1994 on Public Access to Commission Documents (94/90ECSC Euratom)', *Official Journal of the European Communities* L 46/58-6 (February).
 Commission of the European Communities (1994b) 'Commission Communication on Improved Access to Documents', *Official Journal of the European Communities* C 67 (4 March).
 Council of the European Communities (1992) *Annex 1: Birmingham Declaration: A Community Close to its Citizens*. Bull. EC 10: point 1.8.
 Council of the European Communities (1993) 'Code Of Conduct Concerning Public Access To Council And Commission Documents (93/730/EC)', *Official Journal of the European Communities* L 340/41-44 (31 December).
 De Clercq, W. (1993) *Reflection on Information and Communication Policy of the European Community*. Report by the group of experts R.P./1051 March.
 Demac, D.A. (1984) *Keeping America Uninformed*, New York: Pilgrim Press.
 Demac, D.A. (1989) *Liberty Denied*. New Brunswick: Rutgers University Press.
 Gardner, D. (1993) 'Presenting a Bright New Image', *The Financial Times*, 5 April.
 Oostlander, A. (1993) 'Report of the Committee on Culture, Youth, Education and the Media on the Information Policy of the European Communities', European Parliament, session documents DOC EN/RR/232/232259 PE 960/fin. 14 July.
 Parliament of the European Communities (1993) 'Oostlander, A. Communication on Information Policy, Debates 16 September', No 3-434/241.
 Presidency of the European Communities (1992) 'Conclusions Annex 3 to the Birmingham Declaration — Implementation of the Birmingham Declaration', Bull. EC 10: points 1.24-1.29.
 Schlesinger, P. and H. Tumber (1994) *Reporting Crime: The Media and Criminal Justice*. Oxford: Clarendon Press.
 Tumber, H. (1992) 'Marketing Politics: The Americanisation of Government Information Policy in Britain', paper presented to the Americanisation of Culture Conference, University of Swansea.
 Tumber, H. (1993a) 'Selling Scandal: Business and the Media', *Media, Culture and Society* 15: 345-61.
 Tumber, H. (1993b) 'Taming the Truth', *British Journalism Review* 4: 37-41.