

Mr Glenn Micallef
Commissioner for Intergenerational Fairness, Youth, Culture and Sport
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels, Belgium

21 July 2026

JOINT CALL TO ENSURE THAT EU MERGER CONTROL REFLECTS THE SPECIFICITIES OF CULTURAL AND CREATIVE SECTORS

Subject: Cultural and creative sectors in the revised EU Merger Guidelines

Dear Commissioner Micallef,

We, the undersigned organisations from across Europe's cultural ecosystems, welcome the European Commission's decision to [update its merger guidelines](#) and call for a strategic approach reflecting the specificities of the European cultural sectors across EU merger control and other areas of EU competition law. We are writing to ask for your support in ensuring that the final Guidelines, and the Commission's wider competition policy, meaningfully reflect the specificities of cultural markets.

A limited number of major players and digital services now hold significant power across cultural ecosystems; while the cultural and creative sectors most commonly consist of micro, small, and medium-sized and other independent operators. Large actors can play an important role but there must also be balance where market power risks becoming entrenched. Smaller, non-profit, and independent organisations often exert distinctive competitive pressure by supporting emerging talent, local and regional creation, less mainstream forms of expression, audience development, artistic experimentation, and alternative routes to audiences. Their contribution may not be captured by current market shares alone.

In some cultural markets, control over several connected activities, such as content, rights, promotion, distribution, platforms, venues, ticketing, data, catalogues, or access to talent, can shape who reaches audiences and on what terms. Concentration may therefore reduce choice, quality, diversity, or market contestability without immediately producing higher consumer prices. Diversity is a huge economic opportunity for Europe, but only if markets are balanced and competitive and if Europe is able to grow its "missing middle".

The review of the [Horizontal Merger Guidelines](#) (from 2004) and the [Non-Horizontal Merger Guidelines](#) (from 2008), and the draft proposal for one new single set of guidelines for all merger types, together the 'Merger Guidelines', is important to ensure that the merger framework properly captures the specific realities of cultural sectors. The draft revised

Guidelines provide an important opportunity to update merger assessment for the realities of contemporary cultural markets. Competition in these sectors does not take place only through price or aggregate output. It may also concern choice, quality, plurality, artistic experimentation, investment, access to audiences, and the existence of viable alternative routes to market, or cultural diversity more generally, the latter being already recognised in the guidelines, which we welcome.

Article 167(4) of the Treaty on the Functioning of the European Union requires the Union to take cultural aspects into account in its action under other Treaty provisions, in particular to respect and promote the diversity of its cultures. We therefore ask you, as Commissioner responsible for culture, to work with Executive Vice-President Teresa Ribera and DG Competition to ensure that the final Guidelines translate this obligation into a clear, evidence-based analytical approach.

We ask you to support the following priorities:

- **A general set of competition guidelines setting out the Commission's approach to merger control and antitrust cases in cultural sectors** reflecting their specificities and strategic importance to complement the new merger guidelines.
- **Recognise cultural diversity and plurality as possible parameters of competition.** We welcome the fact that the draft guidelines include cultural diversity as non-price parameter for the assessment of mergers. This is crucial. The final Guidelines should confirm that cultural diversity encompasses notions such as plurality of programming and content, artistic risk-taking, access for emerging artists and creators, local and regional creation, audience development and alternative routes to market. These are all key features of cultural sectors and should be assessed as dimensions of choice, quality, innovation, investment, access, and market contestability.
- **Ensure that ecosystem and related-market analysis applies to cultural sectors.** The Commission should assess effects within and across closely related markets where competition depends on access to combined services, infrastructure, data, audiences or other routes to market. This analysis should not be understood as limited to digital markets; it should ensure that it effectively captures where control over several parts of a cultural ecosystem can weaken competitors or trading partners.
- **Reflect the specific sources of market power and barriers to entry in cultural markets.** Relevant factors may include access to scarce cultural spaces or events, catalogues and rights, artists and creative talent, programming and distribution opportunities, platforms, promotion channels, ticketing infrastructure, audience data, sponsorship, finance, reputation, and the ability to reach audiences at

sufficient scale. The fact that the draft guidelines acknowledge that merger assessment should also consider non-structural links is very important.

- **Develop permanent cultural expertise, coordination, and complementary guidance.** The Commission should establish structured cooperation between the services responsible for culture, competition and digital policy, supported by designated cultural expertise or focal points, such as Chief Cultural Diversity Officers. Complementary guidance and regular dialogue with cultural and creative sectors would help ensure consistent application of merger and antitrust rules to their specific market structures.
- **Support effective scrutiny of potentially harmful transactions below notification thresholds.** The Commission should continue examining lawful mechanisms for reviewing such transactions, while Member States should ensure that national competition authorities have effective call-in powers where these do not yet exist. Any EU-level mechanism should respect the allocation of jurisdiction established by the Merger Regulation and the case law of the Court of Justice.

These proposals do not seek a separate cultural exemption from competition law, protection of particular firms or a lower evidentiary standard. They seek to ensure that the existing **EU merger-control framework captures the ways in which competition operates in cultural markets and the forms of harm that concentration may produce.**

The draft Guidelines already provide a basis for this approach, notably through their recognition of non-price parameters of competition, including cultural diversity. Your engagement is important to **ensure that this recognition is retained and made operational.**

With more effective competition and guidelines that work for the cultural sectors, the EU can exercise effective regulatory oversight of power and control of essential ecosystems in key strategic sectors. This is essential for **Europe's cultural diversity, economic sovereignty, and resilience** in a global landscape that has completely shifted in recent years. We see this as part of an overall strategy from the EU, integrating different policy areas in **a coordinated approach to strengthen its cultural and creative sectors.**

We fully support the European Commission's consultative procedure and commitment to protect Europe's competition and public interest, and as key actors in the cultural sector we are committed to providing expertise during the process.

Yours sincerely,

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Reset! network

Supporting Organisations:

ARTICLE 19

Balanced Economy Project

International Confederation of Arthouse Cinemas (CICAE)

Culture Action Europe (CAE)

Europe Jazz Network (EJN)

European Music Exporters Exchange (EMEE)

European and International Booksellers Federation (EIBF)

European Composer and Songwriter Alliance (ECSA)

European Federation of Journalists (EFJ)

European Music Council (EMC)

European Music Managers Alliance (EMMA)

European Network on Cultural Management and Policy (ENCATC)

International Artist Organisation (IAO)

IMPALA

IMPF, the global trade and advocacy body for independent music publishers

Liveurope

Media Diversity Institute

On the Move