

**“Cinema and Trade: where we are with international discussions”
Cannes, May 18th 2009
Summary**

Responding to the invitation of the French National Center for Cinema (CNC), a hundred of participants representing European Film Agencies and European professional organisations from the audiovisual sector gathered in Cannes on Monday the 18th of May 2009. Anne-Marie Idrac, French State Secretary for External Trade and Christine Albanel, French Minister for Culture and Communication respectively opened and closed the meeting.

The meeting aimed at giving the state of play of the relationship between cinema and trade in international multilateral and bilateral trade discussions.

Four speakers participated in the round table: Pascal Rogard, Executive Director of the SACD (Société des auteurs et compositeurs dramatiques), Ignasi Guardans Cambó, Director of the ICAA (Film and Audiovisual Arts Institute of Spain), Héléne Ruiz-Fabri, University Professor at Paris 1 and Jim Mc Kee, General Secretary of the International Federation of Coalitions for Cultural Diversity (IFCCD).

In conformity with the conclusions of the Council of Culture Ministers of November 2008, the discussions stressed the **necessity for the European Union to define a global and coherent strategy regarding the implementation of the UNESCO Convention on cultural diversity in cultural cooperation agreements**. This strategy should be elaborated by the European Community in coordination with Member States and the Civil Society. It should be based on the following principles:

- I. The exclusion of cultural and audiovisual services from all multilateral and bilateral trade negotiations
- II. The independence of culture and cultural exchanges from international trade negotiations, in conformity with the principles of the UNESCO Convention on cultural diversity.

Héléne Ruiz-Fabri reminded the audience that Cinema and Trade were inevitably linked, and that the key issue was to find the right balance.

She underlined that the EU exclusion of the audiovisual sector from multilateral trade liberalisation within the World Trade Organisation (WTO) was only temporary, and that one could not exclude that this state of play be called into question in the future. She stressed the difficulty to combine the protection of the existing cultural diversity with the promotion of cultural exchanges with third countries.

Ignasi Guardans Cambó put forward the necessity to combine the protection and the promotion of cultural diversity and recalled that cultural and audiovisual services should not be part of trade negotiations.

He insisted on the fundamental role of the European Parliament under the Lisbon Treaty. For example, should this Treaty be enforced, the final agreement between Europe and Canada would be submitted to the MEPs, and could be rejected in case of disagreement on cultural issues.

He noted that another major concern for the audiovisual sector in the future would be the definition of its scope.

Jim Mc Kee expressed his astonishment, shared with the other Coalitions for cultural diversity, at the way the UNESCO Convention is said to be implemented: i.e. through the reintroduction of culture in trade agreements, via the negotiation of Cultural Cooperation Protocols (CCP) annexed to Free trade agreements (FTA).

He mentioned the future EU/Canada trade agreement as an example. Although the EU and Canada already have deep and extensive cultural cooperation agreements that were negotiated by officials having both an expertise and authority in cultural matters, a CCP, to be annexed to the future EU-Canada FTA is now going to be negotiated by trade experts, in the name of the UNESCO Convention. The Coalitions are therefore deeply concerned at going back to a situation where culture is no more than a bargaining chip in the trade negotiation.

Pascal Rogard concluded the meeting by saying that a method was needed to protect and promote cultural and audiovisual services in bilateral trade agreements. This method or strategy should be based on the principles adopted by the EU in multilateral trade agreements when these sectors are excluded from trade liberalisation.

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The discussions following the speakers' interventions ended up in the formulation of a few operational guidelines for the Commission and the Member States to preserve the independence of culture and cultural exchanges from trade negotiations.

Accordingly Cultural cooperation agreements should

- be legally distinct from trade agreements. The independence from trade agreements should be ensured along the whole negotiation process. Cultural negotiations should in addition be subject to a distinct time table.
- be negotiated by officials having both an expertise and authority in cultural matters, the wide scope of cultural stakeholders being systematically consulted. Therefore, the DG Education and Culture of the European Commission should take the lead of the negotiations, and the Cultural Affairs Committee of the Council should be the relevant forum where Member States are associated.
- have their own procedures/mechanisms for the resolution of any conflict arising with their implementation/interpretation.
- include provisions requiring their automatic review and refinement.