



Free-Trade Agreement European Union / United States

High Risk Negotiations for the Diversity of Cultural Expressions

The French Coalition for Cultural Diversity expressed its concern following the announcement by the European Council and the US President, Barack Obama, about the pending negotiations aimed at securing a free-trade agreement between the European Union and the United States.

Twenty years after the General Agreement on Trade and Service (GATS) and the recognition of the cultural exemption, brought forward by France, the launch of these trade negotiations poses a risk for the right of States and groups of States to freely pursue policies in support of cultural production.

At this stage, the negotiations could indeed include the audiovisual and cultural sectors with an aim to liberalize and render obsolete policies meant to promote cultural diversity, namely quota measures and financial assistance.

The negotiation approach which might be chosen, the so-called negative list approach, is especially dangerous: all that would not be explicitly excluded in the negotiation would be included. Further than that, the French Coalition for Cultural Diversity fears that the United States will take advantage of these new negotiations to try once again to weaken existing protection measures favourable to cultural diversity.

This determination to liberalize the audiovisual sector is naturally linked to the importance of the American audiovisual industry, both from an economic standpoint and in terms of the US diplomatic, political and cultural strategies.

The French Coalition for Cultural Diversity sees proof of this in the wish expressed by the United States in recent years to link part of the audiovisual services to the new technology sector to better exclude it from the rules applying to cultural diversity. The United States are in fact

advocating for the separation of VOD, catch-up TV, etc. from the traditional audiovisual sector. Through the subtle game of definitions, these « new audiovisual services » could therefore become liberalized. The cultural exemption would as a result be greatly reduced since it would only serve to cover the distribution of audiovisual works via traditional means but would not apply to distribution via the Internet, which will represent the bulk of these services in the future.

This liberalization approach would also make it more difficult to modernize the funding mechanisms supporting cultural production by excluding the main American Internet firms (Apple, Facebook, Amazon, Google, etc.) from the « cultural exemption 2.0 » (i.e. new obligations resulting from a revision of existing policy measures in support of cultural production to adjust to the new digital economy). Confronted with these crucial risks and threats to all political instruments in the cultural sector, the French Coalition for Cultural Diversity calls for a firm commitment by European States to preserve the Community *acquis*.

The European Union did in fact commit itself to protecting cultural diversity by ratifying alongside its member States the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions.

It is therefore indispensable to firmly establish the negotiating mandate of the European Commission, with extreme clarity and no ambiguity, to specifically exclude cultural and audiovisual goods and services from these negotiations, whatever their means of distribution, via Internet or not.

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