Transatlantic Trade and Investment Partnership Negotiations:
Position of the European Arts and Entertainment Alliance (EAEA)

The EAEA is a Sectoral Trade Union Federation for the Arts and Entertainment sector and a member of the ETUC. It brings together EuroFIA (the European group of the International Federation of Actors), EuroMEI (the European group of UNI-MEI the Global Union for Media and Entertainment) and Euro-FIM the European group of the International Federation of Musicians. Together they represent the hundreds of thousands of musicians, performers and technicians active in the sector across the EU.

The concerns in this position are those of the workers in the sector, who have a primary stake in ensuring a sustainable industry in the future.

The EAEA warmly welcomes the democratic scrutiny of the European Parliament of the TTIP negotiation process and the working document prepared by INTA rapporteur Bernd Lange MEP and the draft opinion of the CULT and EMPL committees. We would like to emphasise in particular:

**Sectoral Considerations:**

**Cultural Services:** While the May 2013 resolution of the European Parliament called for the exclusion of cultural and audiovisual services, including those provided online, we wish to emphasize that the schedule of commitments of the EU in TTIP does not exclude Cultural Services (including theatre, live bands and circus) from its scope and does not include a full protection of national subsidy regimes. It also includes liberalisation of Mode 4 in this sector, which, given the high level of touring in the live performance sector, creates a threat to labour standards at national level.

We therefore warmly welcome the Recommendations (a), (b) and (e) in the CULT opinion and the comprehensive protection and exclusion of cultural, as well as audiovisual services that it seeks to ensure. This would require the EU to significantly revisit its current schedule of commitments for cultural services.

We also welcome the reaffirmation of a vital commitment to uphold the 2005 UNESCO Convention on the Protection and Promotion of all forms of Cultural Diversity and the proposal to introduce a general clause regarding compliance with this Convention, especially given that the US is not a party to the Convention.

**Audiovisual services:** we welcome the undertaking by the European Commission to exclude audiovisual services from the scope of TTIP as we believe that it is in the best interests of the AV sector in the EU. However, in a converging digital world, proper consideration needs to be given to ensure this exclusion is fully comprehensive, being sufficiently broad, technologically neutral and future-proof.
The definition of audiovisual services that has been used by the EU until now in the context of trade negotiations is appropriately based on the principle of **technological neutrality**. It is vital that this principle be absolutely maintained, given the current speed and unpredictability of technological change in the sector.

Services are also converging: with respect to bundled services, insofar as they include audiovisual services, **the exclusion must also apply to commitments taken for adjacent sectors - including telecommunications, ICT or distribution services**. Thus any commitment in chapters related to digital issues or e-commerce that would threaten the comprehensive exclusion of audiovisual services must be avoided. **This would include avoiding any introduction of the notion of “digital products.”**

**Cross-cutting Considerations:**

As regards protection of foreign investors, we believe **an ISDS mechanism is not necessary** in the context of an agreement between parties with developed legal systems and a state to state mechanism and national courts are the most appropriate mechanism for dispute resolution.

**The EAEA fully endorses the ETUC position regarding TTIP.** It emphasizes the vital importance of the **effective implementation of core labour standards** and other basic decent work components. Labour protections should be mainstreamed throughout the agreement.

Equally, meaningful engagement on regulatory convergence must not be a means towards a deregulatory entreprise. **Trade unions must be extended the same status as employers to advise regulatory mechanisms**, as part of a balanced involvement of stakeholders. We also urge the European Parliament to ensure democratic oversight, as well as full social partner involvement (also at sectoral level as appropriate).

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