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President of the European Commission  
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### **Cine-Regio Common Declaration EU-US TTIP Mandate**

Cine-Regio, the European network of regional film funds<sup>1</sup>, would like to convey our deep concern regarding the European Commission's decision to not explicitly exclude audiovisual services from the scope of the draft negotiation mandate for the EU-US Transatlantic Trade and Investment Partnership Agreement (TTIP).

The EC, EU and Member States have until March 2013 always excluded audiovisual services from the scope of bilateral free trade agreements and to protect the sector the EU did not make any commitment in the audiovisual sector in the GATS negotiations. So why change this long standing policy? On which grounds have the Commission decided to include the audiovisual sector in the negotiation mandate? Is this the first step to possible liberalization of the sector?

The European Union has ratified the UNESCO convention for the protection and promotion of the diversity of cultural expressions, while the United States was one of the only countries to vote against it. The UNESCO convention on cultural diversity both reaffirms Member States' sovereignty to implement support policies for culture as they see fit "to protect and promote the diversity of cultural expressions" (article 1) and it also seeks to promote culture as a factor in socio-economic development. It notes that "parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions". In addition, the European Union has a Treaty obligation [Article 167 of the Lisbon Treaty] to protect cultural diversity.

As it stands the TIPP draft negotiation mandate states: "*The Agreement shall not contain provisions that would risk prejudicing the Union's cultural and linguistic diversity, namely in the audiovisual sector*". For us as regional film funds this is certainly not protective enough to ensure that no commitment related to audiovisual services (incl. online) will be taken. Our film policies of tomorrow are at threat if the AV sector is not excluded from the scope of the negotiations.

According to EU Trade Commissioner Karel De Gucht it is the intention to make a distinction between traditional audiovisual services and new audiovisual services. But what is "new audiovisual services" ten years from now? If it is the intention to try and make a distinction between "offline" and "online" / linear

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<sup>1</sup> Cine-Regio is a non-profit association gathering 40 regional film funds from 14 countries in Europe. The members represent a total funding capital of €160M for film culture. At last year Cannes Film Festival 35 films in the official programme were supported by Cine-Regio members, incl. 8 films in Main Competition.

and non-linear this will have severe consequences for the European film sector. Today the audiovisual sector consists of both offline and online, linear and non-linear services and they all give access to the same creative content. Thus the audiovisual sector must be considered as a whole. Indeed Member States, both at national & regional level, must be able to support and regulate their audiovisual industries including the ability to adapt to the emerging technologies of tomorrow.

We are now in potentially the most challenging period in cinema history. Digital technologies are changing the way films and audiovisual projects are financed, produced, distributed and watched. The European Commission's MEDIA programme, which has made a vital contribution to the development and diversity of the AV sector in Europe over the last 20 years has no distinction between offline and online initiatives/VOD platforms. And the AVMS directive, binding on all Member States, also include both linear and non-linear service obligations.

We fully understand that Trade Commissioner Karel De Gucht's role is to pursue the ongoing efforts toward free trade to the benefit of all. However, a liberalization of the film sector in Europe is not of benefit to Europe or the European citizens. It will only be of benefit to the US. What is of benefit to Europe and its citizens is a culturally diverse Europe, where cultural life is part of the lives of as many communities as possible.

Cine-Regio therefore call upon the Commission's President Mr. Barroso, Trade Commissioner Mr. De Gucht and Commissioner for Education, Culture, Multilingualism and Youth, Mrs. Vassiliou, to continue the long standing EU policy of excluding the audiovisual sector from the scope of EU Trade Agreements.

We would like to thank you for this opportunity to communicate our standpoints in writing. If we can be of any assistance in taking matters further, please do not hesitate in contacting: Cine-Regio, c/o VAF, Bischoffsheimlaan 38, 1000 Brussels. Attn.: Charlotte Appelgren, General-Secretary ([ca@cineregio.org](mailto:ca@cineregio.org)).

### **Cine-Regio members:**

Apulia Film Fund, Italy  
Basque Film Fund, Spain  
BLS Südtirol Alto Adige, Italy  
CICLIC – Region Centre, France  
Cinéforum, Switzerland  
Consejería de Cultura Andalusia, Spain  
Film Agency for Wales, UK  
Film Fund FUZZ, Norway  
Film I Skåne, Sweden  
Film I Väst, Sweden  
Film London, UK  
Film3, Norway  
FilmCamp, Norway  
Filmfonds-Wien, Austria  
Filmförderung Baden-Württemberg, Germany  
Film Fund Hamburg Schleswig-Holstein, Germany  
FilmFyn, Denmark  
Filmkraft Rogaland, Norway  
Filmpool Nord, Sweden  
Filmregion Stockholm Mälardalen, Sweden

Flanders Audiovisual Fund, Belgium  
Friuli Venezia Giulia Audiovisual Fund, Italy  
Ile-de-France Film Fund, France  
Institut Català de les Indústries Culturals, Spain  
Krakow Regional Film Fund, Poland  
Midtnorsk Filmfond, Norway  
Mitteldeutsche Medienförderung, Germany  
PACA - Région Provence-Alpes-Côte d'Azur, France  
Pictanovo – Lille Region Image Community, France  
POEM, Finland  
Région Aquitaine, France  
Rhône-Alpes Cinéma, France  
Riga Film Fund, Latvia  
Screen South, UK  
Sardinia Film Foundation, Italy  
Silesia Film, Poland  
Trentino Film Fund, Italy  
Wallimage, Belgium  
West Danish Film Fund, Denmark  
Zürcher Filmstiftung, Switzerland

