



INTRODUCTION ON TRADE NEGOTIATIONS

TTIP –
WHICH IMPACT ON THE LIVE PERFORMANCE
SECTOR?

GENERAL INFORMATION



- TTIP negotiations have started in July 2013
- Since then 11 rounds took place
- Stakeholder consultations and civil society meetings
- Free trade agreement to be finalised in 2016?
- Ratification by EU Council of Ministers
- Endorsement by European Parliament
- Depending on rules in countries – national Parliaments

STARTING POINT



Two obligations on which the US and the EU agreed:

- (1) no discrimination (of foreign companies) and
- (2) no monopolies which could hinder foreign companies to have market access.

From this starting point it is negotiated in which areas exceptions and limitations are needed in order to protect own industries and (public) services.

Three areas of negotiation:

- (1) Market access
- (2) Industry specific regulation (coherence)
- (3) Rules and modes of cooperation (international standards)

TTIP AND CULTURE



- Audiovisual services have been excluded from the mandate
- Cultural services fall under the scope of the agreement

So far no specific offers on culture have been made

EU included “safeguards” in offer on services with the aim **to protect cultural diversity, public services and subsidies**

Protection of cultural sector → **general clause on cultural diversity**
To be included in the preamble or the service and investment chapter

EU offer contains an **exception** in the cultural field linked to cultural heritage → Measures can be taken by governments to protect national treasures of artistic, historic or archeological value
(Chapter VII, art. 7-1)

PUBLIC SERVICES



Public services → public utilities
Wording not further defined

EU offer on services : market access limitations for public utilities

Activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

→ Cultural activities such as live performances or institutions such as theatres were not considered under this chapter but could be covered by the reservation (if needed).

SUBSIDIES



(1) **Subsidies will be excluded from TTIP agreement**
governments to decide on support for sectors/companies

→ Includes indirect funding/support: tax schemes, reduced VAT rate, ...

But: European rules on state aid are not touched by the TTIP

(2) **Rule on “national treatment” doesn’t apply for subsidised sectors**
foreign companies cannot ask for same treatment as local ones

→ derogation for subsidies from national treatment principle has been in place since GATS; policy line stays valid in TTIP

VISAS

- From US side, **no mandate to negotiate Visa issues**
- But: **exchange of views** in the margins of the negotiations on revised visa code and third country nationals

→ **EU tries to “pave the way”, prepare parallel negotiations**

In TTIP, EU and US foresee to include provisions on the movement of high skills professionals → Mode 4 in GATS

(Chapter IV of the EU offer on services deals with “Entry and Temporary stay of natural persons for business purposes)

Mode 4: provision for professionals who are part of a company (such as architects, engineers etc.) and who are transferred to another company

→ **Commission wants to broaden this concept – priority for all trade negotiations (TiSA, bilateral agreements)**

CONCLUSIONS

- Agreement should not have a direct impact on the live performance sector
- Taking into account the **various safeguards** put in the EU offer, the model of financing of the arts and the supply of subsidies is very unlikely to change with the new EU-US agreement
- Other issues such as radio spectrum and copyright could have an (indirect) impact on the sector and are to be monitored further