

THE INDEPENDENTS' VOICE

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Trade in cultural services and cultural exchanges after the Cariforum-EU EPA¹, where do we stand?

In 2005, the EU signed the UNESCO Convention on the Promotion and Protection of the Diversity of Cultural Expressions. Since then, the EU has taken a number of steps to ensure its implementation. For example, in May 2007 the EU adopted the European Agenda for Culture in a Globalizing World, identifying the promotion of culture as a vital element in the EU's international relations as a core objective. Likewise, the EU has mainstreamed culture into other policy areas such as development and neighbourhood policy and it has developed policy dialogues on culture with other regions in the world.

This process has also touched upon trade relations. The Cariforum-EU Economic Partnership Agreement (EPA) is the first reflection of this. This agreement facilitates trade in cultural services by improving market access conditions for entertainment services suppliers from Cariforum countries. In addition, it includes a new mechanism, the Protocol on Cultural Cooperation ("Protocol"), which sets a framework for cooperation seeking to promote cultural and audiovisual exchanges.

The nature of these Protocols, however, varies in relation to the features of the economic agreements to which it is annexed. In the case of the Cariforum-EU EPA it reflects the asymmetric relation between both regions.

In the framework of a study commissioned by the ECDPM (European Centre for Development Policy Management) entitled "Cultural Provisions of the Cariforum-EU EPA: How do they benefit the Caribbean culture sector?" KEA has analysed the state of implementation of the Cariforum-EU EPA at national and EU level. The objectives of this assignment have been twofold: firstly, to give an overview of how Member States² have implemented the market access commitments on entertainment services and the Protocol; and secondly, to inform the various stakeholders on how to benefit from the new opportunities for the cultural sector under this EPA.

State of implementation

Most EU Member States and Cariforum countries have not ratified the EPA yet. The EPA has been applied on a provisional basis since December 2008, but it appears that ministries are waiting for the ratification process to conclude before taking any specific measures to implement its cultural provisions.

In addition, the process to set up the main institutions foreseen by the EPA is still under way. The Joint Cariforum-EU Council is the only institution that has been concretely established and has actually met for discussions. The first meeting of the Trade and Development

Committee took place on 9-10 June and some members of the Parliamentary Committee and a Consultative Committee have still to be appointed.

The European Commission (EC) is carrying out some activities to help the Cariforum cultural sector benefit from the Cariforum-EU EPA, such as the seminar for the private sector on 4th and 5th of April in Trinidad & Tobago.

Access to EU markets

It is the first time that the EU and its Member States have made significant market access commitments for the provision of entertainment services by professionals of third countries in the EU. In some cases, the commitments created new openings for Caribbean service providers in the EU Member States (for example in Spain). In most cases, however, it should be noted that they merely consolidated the existing situation (this was the case for Germany). The greatest benefit for the Caribbean service providers was actually that these commitments ensure that their market access will not be subject to additional limitations in the future.

The market access provisions have increased mobility possibilities for Cariforum entertainment businesses. For example, Cariforum artists and entertainers can work in an EU Member State if the Cariforum company has a commercial presence there and they can also travel to an EU Member State to provide services as contractual services suppliers (CSS) (this last commitment applies to all EU countries except Belgium) under specific conditions set out in the EPA.

However, these new possibilities are restricted by a number of discriminatory limitations, including an Economic Needs Test and an assessment of qualifications, which vary from one EU Member State to the other.

EU Member States' visa policies also play a major role in the possibility for Cariforum artists and entertainers to enter EU Member States, either to provide a cultural service or to participate in exchanges, conferences, residences and other non commercial activities.



1. The Cariforum-EU EPA is an Economic Partnership Agreement concluded between the Cariforum countries (Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Guyana and Haiti) and the EU.
2. The Member States reviewed for this study are: Belgium, Denmark, France, Germany, Italy, Netherlands, Spain and United Kingdom.

In this sense, visa waiver agreements have been concluded between the EU and some Cariforum countries, notably Antigua and Barbuda, the Bahamas, Barbados and Saint Kitts and Nevis. Other Cariforum countries have submitted a request, such as Trinidad & Tobago, Grenade, Saint Vincent, Saint Lucia and Belize.

Nonetheless, some Cariforum states feel that the Cariforum cultural sector will still not be able to benefit from the Cariforum-EU EPA provisions unless the realities of immigration are dealt with in depth.

New possibilities under the Protocol on Cultural Cooperation

The Protocol does not include any specific financial measure to support its implementation. However, some opportunities could be explored within EU funding mechanisms for the Cariforum countries, notably through aid for trade and development (10th EDF). For example, certain budgetary envelopes aimed at the private sector and at the implementation of the Cariforum-EU EPA within the Caribbean Regional Indicative Programme could be applicable. Cariforum countries should also be active in applying for the ACP Cultures new call launched in February 2011. Other EU programmes such as thematic development aid (Investing in People) or programmes for cooperation with third countries in education, culture or audiovisual (Erasmus Mundus, Intra-ACP mobility scheme, Youth in Action, MEDIA Mundus, or the EU/UNESCO Expert Facility Programme) should be further used.

The eight EU Member States interviewed have not adopted any specific measures to implement the cultural provisions of the EPA yet. Existing or upcoming measures were not a result of the EPA, but rather a continuation of their existing cultural cooperation policies with third countries. This is due mainly to the fact that the Protocol is considered rather as a “set of best endeavours” and as a framework to existing national cultural cooperation than as a “legally binding instrument”.

Besides, interviews conducted with cultural stakeholders in both regions show that there is a lack of awareness on the side of the European cultural sector of the potential opportunities to cooperate with the Cariforum. Thus, little pressure of the European sectors on their governments to take action and encourage new funding opportunities or cooperation activities.

The Way ahead

The study proposes a number of recommendations on actions and measures to be taken by Cariforum and EU countries and by the EC to better benefit from the opportunities provided by the Cariforum-EU EPA. For example, Cariforum countries need to improve the organisation of the cultural sector, enhance regional cooperation and identify the competitive advantage of the cultural sector in the Cariforum region and focus on it.

As for EU Member States, they should set up a task force in their ministries to examine in more detail how they could implement the cultural provisions of the EPA and the EC should set up an implementing body for the Protocol.

Information on the opportunities provided by the Protocol should be improved, for example through the mobility contact points that the Council of Ministers for Culture recently included in its conclusions or through fairs and events for the private sector

Finally, to stimulate business cooperation and cultural exchanges a platform should be set up. The culture and creative industries could then come together to have an exchange of views on their respective markets and discuss potential business opportunities.

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