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President of the European Commission  
1049 Brussels  
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### **Cine-Regio Common Declaration EU-US TIPP 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 (TIPP).

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

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."

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 Trade Commissioner Mr. 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 "off-line" and "on-line" / linear and non-

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

linear this will have severe consequences for the European film sector. Today the AV sector consists of both offline and online, linear and non-linear services and they all give access to the same creative content. Thus the AV sector must be considered as a whole. Indeed Member States, both at national & regional level, must be able to support and regulate their AV industries including the ability to adapt to the continuous technological changes 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 Mr. 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, EU Trade Commissioner Mr. De Gucht and Commissioner for Education, Culture, Multilingualism and Youth, Ms. Vassiliou, to continue the long standing EU policy of excluding the AV 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).

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

Apulia Film Fund, Italy	Midtnorsk Filmfond, Norway
Basque Film Fund, Spain	Mitteldeutsche Medienförderung, Germany
BLS Südtirol Alto Adige, Italy	PACA - Région Provence-Alpes-Côte d'Azur, France
CICLIC – Region Centre, France	Pictanovo – Lille Region Image Community, France
Cinéforum, Switzerland	POEM, Finland
Consejería de Cultura Andalusia, Spain	Région Aquitaine, France
Film Agency for Wales, UK	Rhône-Alpes Cinéma, France
Film Fund FUZZ, Norway	Riga Film Fund, Latvia
Film I Skåne, Sweden	Screen South, UK
Film I Väst, Sweden	Silesia Film, Poland
Film London, UK	Trentino Film Fund, Italy
Film3, Norway	Wallimage, Belgium
FilmCamp, Norway	West Danish Film Fund, Denmark
Filmfonds-Wien, Austria	Zürcher Filmstiftung, Switzerland
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	

