



ASSEMBLÉE DES RÉGIONS D'EUROPE
ASSEMBLY OF EUROPEAN REGIONS
VERSAMMLUNG DER REGIONEN EUROPAS
ASAMBLEA DE LAS REGIONES DE EUROPA
ASSEMBLEA DELLE REGIONI D'EUROPA

ORIGINAL

**EXECUTIVE SUMMARY OF THE
Brixen/Bressanone Declaration
on
Cultural Diversity and GATS**
(unanimously* adopted by the
European Regional Ministers for Culture and Education
Brixen/Bressanone, 18th October 2002)

We, the European regional ministers and political heads of education, culture and media departments, representing the views and interests of our citizens

- believe that GATS does concern public services in the fields of education, culture and media
- believe that GATS carries the tendency of the precedence of commercial priority over democratically agreed quality
- are concerned with the implications of GATS as we are democratically accountable providers of public services in education, culture and media
- assert that these services should be available to our citizens on the basis of social equality, universality and high standards
- demand that we, as the democratic representatives of our citizens, be involved in all future negotiations within GATS which deal with education, culture and media issues, based on the principle of subsidiarity
- call for an international agreement for the protection of diversity in education, culture and media to include the regional dimension
- demand that democratically supported services in education, culture and media are excluded from further GATS involvement
- urge all members of the AER and leaders of other European regions to lobby their councils, their governments and the EU in pursuit of the aims of the Brixen/Bressanone Declaration on Cultural Diversity and GATS.

* with two abstentions concerning paragraph 24



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Brixen/Bressanone Declaration on Cultural Diversity and GATS

**unanimously* adopted by the
European Regional Ministers for Culture and Education
Brixen/Bressanone, 18th October 2002**

We, Ministers and Political Heads of Culture, education and media Departments of the European Regions assembled in Brixen/Bressanone by invitation of the Assembly of European Regions (AER) and the Government of the Autonomous Province of Bozen Südtirol on 18 October 2002 at the occasion of our 2nd European Conference building on our previous Cultural conference,

Adopted the following Declaration:

1. We express our appreciation to the Assembly of European Regions for raising the issue of 'Globalisation of Culture and Education-WTO and GATS'. We recognise that this is a most complex issue with multiple effects which is of special relevance to the democratic structures of regional government. We believe this issue is of world wide concern.
2. We regard it as a great achievement that, with this conference, the European Regions jointly respond to the growing interest and expectations of our citizens. We want to launch a European wide debate, which does justice to the importance of this subject.
3. We question as appropriate, necessary or of greater benefit to society to submit the sectors of education, culture and media to the regulations of the General Agreement on Trade in Services (GATS). This agreement has as main objective an increased free trade and market access by submitting state monopolies and protected public services through worldwide agreed access and commitments to a progressive liberalisation and to private competitors and private industries.
4. We are aware that the Declaration to this question will be decisive for the future orientation of cultural, educational and media policies and for the definition, the character and remit of public services. The decisions taken within GATS have also considerable influence on the ability of the regions to act in an autonomous way.
5. We make reference to a widespread consultation with regions inside and outside Europe and to the positions of international bodies and institutions such as the World Trade Organization (WTO), the EU and the Council of Europe and of national governments. We have also examined private sector interest groups from commerce and service industries, of representative professional organisations in the fields of culture, education and media. These have included teachers, artists, journalists and film producers, museum curators and librarians and also trade union

* with two abstentions concerning paragraph 24



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representatives and many NGOs concerned with students and parents deeply engaged in the debate.

6. We have to acknowledge with regret that the decision to include educational, cultural and media services as a constituent and integral part of the General Agreement on Trade in Services (GATS) has been taken without in-depth information and full consultation of the wider public. It has also been without real parliamentary deliberations in national parliaments and, to a large extent, without reference to regional governments although constitutionally demanded where there are exclusive or mixed legislative competences for culture, education and media.
7. We highlight the fact that Article I.3a of GATS, which defines the scope and definition of the Agreement, explicitly includes under the term 'members' **all** levels of state authorities, central, regional and local governments and also all non governmental bodies delegated by central, regional or local government and authorities. Being so implicated we insist on full integration in the GATS process. We also refer to the role of regional authorities as suppliers of a wide range of important and essential services. As the term 'measures by members' covers practically all measures affecting trade in services, described as 'supply in services', its relevance for the regional level can not be ignored by us.
8. We strongly demand that regional government should be included in any further negotiations which might include culture, education and media. Whenever regional authorities in the EU have legislative competences in these areas and whenever questions of services in culture, education and media are raised they should participate in the "Ad hoc Article 133 Committee (Services)" managing trade issues.
9. We regard it as unacceptable to exclude the public from accessing fully and comprehensively the information about the contents of the ongoing negotiations, particularly the different requests and offers submitted by the participating states, as they are of direct relevance to every citizen. We are particularly concerned about the case when they are excluded by the negotiating parties and bodies with reference to the necessity of secrecy in international diplomatic negotiations.
10. We are conscious of our special responsibilities and confirm our commitment to maintain and enhance cultural, educational and media policies of the regions as the basic building block for developing humanity and democracy. We also find that it can stimulate global intercultural understanding and build economically and socially viable communities and a world of peace and justice.
11. We reiterate our conviction that democratic societies with the multiple approach of respecting, fostering and balancing individual and social rights and aspirations requires an educational system, which will guarantee open access to all children and young people regardless of their gender, social background, ethnic affiliation, religious denomination or financial situation.
12. We reiterate our commitment to provide the highest quality tuition and the widest of curricula, aiming for innovation in delivery, open to the world's influences but also responsive to the specific local, regional and national needs and circumstances.
13. We recognize the international dimension of education. We are open to students seeking educational opportunities in foreign countries. We support staff exchanges and joint projects between educational establishments of all countries. We are concerned that investment in research and development would suffer if the profit gain were not conceived to be large.
14. We believe that increasing demand for education in non OECD countries implies more efforts to strengthen their local educational and cultural infrastructure. We question the approach to solve the problems via private profit orientated educational, cultural and media industries.



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15. We reject the ideas that promote education, culture and media as a segment of a market. We are against the removal of barriers restricting trade with education, cultural and media services as the appropriate answer to the needs of the individuals and society as proposed by the objective of GATS.
16. We fully concur with the recognition as expressed in the Universal Declaration on Cultural Diversity adopted by the General Conference of UNESCO on 2nd November 2001 and the Declaration on Cultural Diversity adopted by the Committee of Ministers of the Council of Europe on 7th December 2000 that cultural diversity is as necessary for humankind as biodiversity is for nature and that policies to promote and protect cultural diversity thus are an integral part of sustainable development; that cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods, and that cultural and audiovisual policies, which promote and respect cultural diversity, are a necessary complement to trade policies.
17. We are firmly opposed to any transformation of the existing public educational system, which serves the general interest, into a market-oriented one which, however well-intended, would largely play into the hands of interest groups, be their motivation commercial or ideological.
18. We reiterate also that publicly funded library services are a vital component of democratic society and the need for them to remain under public control cannot be overemphasized. Their role in providing free, impartial access to culture, knowledge and information, open and accessible to all, and as instruments of social inclusion to be recognised and protected.
19. We consider that public service broadcasting plays an important role in safeguarding cultural diversity and identity, democratic dialogue, media pluralism and access for all citizens to quality content and knowledge essential for their successful participation in the information society, and that, therefore, the international trade regime must not prevent or in any way impede the ability of national and regional governments to set up, organise and fund public service broadcasters and to convey upon them any public service mission that they deem desirable.
20. We are, therefore, far from being convinced that Article 1.3 of the General Agreement of Trade in Services (GATS) referring to "services exercised in state authority" presents a safeguard. A safeguard leaving the final decision to state authorities as to where to open education, culture and the media to private competition, or to permit or to refuse access of private enterprises to public funding including establishment of foreign subsidiaries is essential. It is also stated that this applies only to "services which are supplied neither on a commercial basis nor in competition with one or more service suppliers". We conclude that, due to the fact that no state exists where the service structures in education, culture and media are exclusively based on public authority involvement, the clause of exception is open to interpretation. We regard this as a permanent danger for the status of public services as they could be challenged by the private sector.
21. We further draw attention to the term 'on a commercial basis', which entails the notion of a consumer paying a price for a service. We therefore assume that every service, with the exception of those provided without costs, has to be regarded as provided on a commercial basis. As nearly all public services imply a price to be paid by the consumer, we would be obliged to accept the rules of GATS.
22. We therefore demand that the fields of education, culture and media are excluded from further negotiations under GATS and that no offers and requests are made with regard to these until a clear, undisputable and binding interpretation of Article 1.3 is agreed. This will then leave it to our members, including regional and local authorities, to decide which services they regard as exercised in state authority with due respect of the internal laws and directives of each state.



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23. We are aware that the European Commission, which will assume the full competences for the Community in the field of commercial policy and trade, has stated to respect the negotiating mandate as conveyed to it by member states in October 1999. We are, nevertheless, concerned that the European Commission, despite these statements, is actively pursuing a strategy of promoting liberalisation. We, therefore, call upon the Commission to fully adhere to the negotiating mandate and not to table any requests nor offers in the audiovisual and cultural sectors at any time during the negotiations.
24. We confirm our belief in the principle of subsidiarity and repeat our firm opposition to any change of the EU Treaties which would transfer competences for education, culture and media to the European level with the implication of qualified majority voting. We regard the unanimous voting on culture, education and media as the decisive safeguard against inclusion into GATS. We also reinforce the necessity of unanimous voting in the common commercial policy under Article 133 of the Treaty of Nice. This applies to all questions which touch cultural, educational and media matters and guarantees the special nature of these sectors with regard to the international negotiations of WTO and GATS.
25. We finally call for an international agreement for the protection of diversity in education, culture and media to include the regional dimension.