

Understanding the EPA: cultural services

By David Jessop

Perhaps the most innovative part of the whole 1000-plus pages of the text of the Economic Partnership Agreement (EPA) that will be signed between Europe and the Caribbean in March in Barbados, is its protocol on cultural co-operation.

In the closing days of the negotiations, achieving European agreement on this issue became central to the region's willingness to compromise on other matters. Then, Barbados' Prime Minister, Owen Arthur, made clear that liberalizing access for the export of Caribbean cultural and entertainment products was 'a line in the sand' for the Caribbean.

His remarks reflected recognition by Jamaica, Trinidad and other more developed regional economies that without access to the EU market for those involved in the region's hugely valuable creative industries there would be no EPA: the Caribbean had to see gain in a sector in which it excelled. The high profile given to the issue was also intended to ensure popular political backing should the negotiations fail.

So what does the final EPA text offer in the way of cultural trade and co-operation and how might Jamaica's artists, musicians, performers, writers and others in creative industries benefit?

A departure point is to know that there are three sections of the EPA that particularly apply to those in the creative arena. While the principal relevant text appears as a five page protocol on cultural co-operation, other language of importance appears elsewhere on issues such as the protection of Caribbean intellectual property throughout Europe and the temporary presence of 'artists' in Europe for business purposes.

In the general area of entertainment services, all twenty seven European Union states (some limitations apply in two states) will allow individual artists in music, dance, theatre, visual arts, as well as sculptors, authors, poets and others, unlimited entry for periods of up to ninety days for professional purposes without requiring a formal qualification. This arrangement offers those in the creative sector the same basis for entry as Caribbean business professionals. Caribbean artists, musicians, and other cultural practitioners and their crews who are registered as businesses will also be able to send their members or employees under the same conditions to supply entertainment services.

Beyond this the protocol on cultural co-operation allows the same groups of artists as well as those involved with film and television, but who are not selling their services, the right to enter Europe for ninety days to train, make contact or collaborate with their EU counterparts in areas that range from carnival design to dance.

As with all else in the EPA these commitments will be covered by dispute settlement provisions. This means in practical terms that if those in the creative sector find that

official in EU states renege on their commitments or make entry too difficult, this can be challenged.

Special arrangements apply in the cases of audiovisual services such as film or television. A separate article in the protocol provides for greater cooperation between EU and Cariforum producers, and envisages co-produced audiovisual products and services involving joint creative teams. Under the EPA these will qualify as European works and thus meet the cultural content rules in all EU states including France. Importantly the EPA notes that when co-production treaties are completed between individual EU states and Caribbean states it will make it possible for Caribbean audiovisual producers to access funding for creative projects.

The protocol also addresses encouraging the inter-operability of audio visual technologies. It holds out the possibility of the digitisation of audiovisual archives in Cariforum states. It offers to support the promotion of the region as location for shooting EU films and television programmes and makes provision for the temporary importation of related equipment. It also suggests that both sides will endeavour to encourage increased contact between those involved in the performing arts such as theatre as well as the facilitation of published and translated material and exchanges of expertise on historic monuments.

Previous EU trade agreements had almost nothing on cultural cooperation, a sector in which the Caribbean is globally competitive. This level of market access is a first for any trade agreement signed by any nation or group of nations with the EU and offers significant commercial opportunity. It is now up to those in the creative sector to explore through Cariforum, their governments and with those who negotiated the agreement how to take advantage of the opportunities that will soon be on offer.

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