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MOTION FOR A RESOLUTION

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

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on behalf of the Verts/ALE Group

on the General Agreement on Trade in Services (GATS) within the WTO,
including cultural diversity

European Parliament resolution on the General Agreement on Trade in Services (GATS) within the WTO, including cultural diversity

The European Parliament,

- having regard to the General Agreement on Trade in Services (GATS),
- having regard to the EU Charter of Fundamental Rights, particularly Article 22 thereof concerning respect for cultural, religious and linguistic diversity,
- A. whereas the aim of the negotiations undertaken within GATS is to bring about a new wave of liberalisation and resultant privatisations in the services sector,
- B. whereas these negotiations represent a threat to people's access to essential public goods such as health and water, not to mention education, culture, mobility and telecommunications,
- C. having regard to the importance of access to essential public services to social cohesion and democracy, and to the fact that one of the foundations of the European model is to grant the public authorities a regulatory and redistributory role which safeguards the rights of the entire population,
- D. having regard to the many disastrous examples of privatisation of services, such as transport in the United Kingdom, electricity in the United States, and water and healthcare services in many developing countries,
- E. whereas the liberalisation demands addressed by the Commission to third countries (June 2002) represent a serious threat to the developing countries, since they include such sensitive areas as water distribution, energy, health, education, environmental management, etc.,
- F. having regard to the liberalisation offers prepared by the Commission (March 2003), and fully aware that, given the vague nature of the Commission's mandate, these offers may well be extended during the course of the negotiations to cover other essential areas in which the maintenance and development of public services is vital to the wellbeing of the population,
- G. whereas the GATS approach consists in encouraging each partner to make concessions to the others in exchange for its own demands being met, and hence gradually extending the area covered by the liberalised services, and whereas the declared aim of the negotiators of this agreement was to achieve total liberalisation of the services sector as quickly as possible,
- H. whereas the Commission is acting without a specific mandate, using as it is the general mandate for WTO negotiations given to it by the Council before Seattle (1999), which is

now totally obsolete,

- I. whereas the guarantees of protecting public services given in GATS and repeatedly highlighted by the Commission are illusory since, under GATS Article III.1, it is enough for a private player to enter into competition with the public service for this condition relating to public services to be rendered inoperative,
- J. having regard to the absence of any democratic, transparent consultation on the negotiations at national or European level, although the wellbeing of every member of society is at stake,
- K. whereas the secrecy being maintained by the Commission, not least vis-à-vis itself, is unjustified since the list of liberalisation demands and offers has in any case been known to its partners since the start of the negotiations, so that the only effect of this secrecy is to prevent any democratic debate within the EU itself,
- L. having regard to the call by national and European parliamentarians not to liberalise public services within the WTO and the extensive mobilisation of society against these liberalisations,
- M. having regard also to the many revolts in developing countries against the liberalisation of services such as electricity in Peru and South Africa, water distribution in India and Bolivia, telecommunications in Argentina and Colombia, etc.,
- N. whereas the development of public services in the areas of healthcare and education, particularly in Africa, is an essential element in the fight against the AIDS pandemic and the spread of other contagious diseases that claim millions of victims,
- O. whereas in Marrakesh the European Union and its partners undertook to assess the impact of liberalisations on the developing countries after five years, an exercise that never took place,
- P. whereas the WTO is not the proper international body to take account of culture specificities or safeguard cultural diversity,
- Q. whereas the Executive Committee of UNESCO should be deciding shortly whether to place the negotiation of an international convention on cultural diversity on the agenda for its general conference in the autumn of 2003,
- R. having regard to the final declaration of the Second International Meeting of Cultural Professional Organisations held in Paris from 2 to 4 February 2003,
 - 1. Welcomes the large-scale mobilisation of the social movement in defence of public services and against the GATS negotiations;
 - 2. Calls for a moratorium on the negotiations on liberalising services and for a review of the economic, social and environmental impact in Europe and the developing countries of liberalisation policies in the WTO; calls also for a prospective study to be made of the consequences of liberalising services;

3. Calls for priority to be given by the Commission and the Member States to defining the concept of public service in the European Union and to safeguarding, strengthening and developing the public services;
4. Takes the view that the Commission, with its obsolete general remit, does not currently hold a mandate to negotiate in the area of services; considers it necessary, for any fresh liberalisation of services, for the Commission to ask the Council for a specific, limited mandate, to be issued following a democratic debate and consultation of the national parliaments and the European Parliament;
5. Takes the view that the public services form one of the essential elements in every country's model of development and social cohesion, and that they must be freely determined by each country; considers that the Commission must give priority to social and environmental issues, and not to the profits of multinational corporations;
6. Criticises the liberalisation demands sent by the Commission to its trading partners, and takes the view that it is not the role of the EU to contribute to deregulating services in third countries; calls on the Commission, therefore, to refrain from calling for the liberalisation of services in third countries, particularly the developing countries;
7. Notes that, in its liberalisation offers, the Commission excludes the audiovisual sector, health and education; fears nevertheless that in the name of reciprocity these sectors will be gradually opened up to liberalisation, and opposes this; takes the view that all cultural sectors should be excluded from the EU offers, including services relating to culture, recreation and sport;
8. Calls on the Convention to confirm the consensus that emerged in negotiating the Nice Treaty in December 2000 to the effect that 'agreements on trade in cultural and audiovisual services, education and social and human health services require the common consent of the Member States'; calls therefore, this being the case, for the unanimity rule to be retained in these areas;
9. Calls for the disputes settlement mechanism to be reviewed and democratised, and for the question of the hierarchy of norms and that of the respective roles of each of the United Nations agencies to be discussed and settled in the UN Assembly;
10. Calls on the Convention to bear in mind the promotion of, and respect for, cultural diversity both in the objectives of the EU and in its external actions, and to propose a reinforcement of Article 151(4) of the Treaty along the lines of Article 152(1) on health;
11. Calls on the Commission to maintain the possibility for the EU, the Member States and the regions to preserve and develop their ability freely to define their cultural policies in all areas; considers it necessary, therefore, to keep all cultural questions outside the realm of international trade agreements and liberalisation undertakings in the WTO;
12. Calls for the maintenance and perpetuation of the 'cultural exception' principle enshrined in the 1994 Marrakesh agreement, which shields cultural policies from the application of the WTO rules and disciplines; opposes, therefore, any liberalisation undertaking by the

EU in the audiovisual and cultural sectors;

13. Welcomes the process begun in UNESCO; hopes that it will lead to the introduction of an international legal instrument on cultural diversity which is binding and independent of the WTO and which would safeguard the special status of cultural goods and services and the right of States to define and develop whatever cultural policies they choose in order to support artistic creativity and diversity of cultural expression;
14. Instructs its President to forward this resolution to the Council, the Commission the governments and parliaments of the Member States and candidate countries, the UN Secretary-General, the governments of the WTO member states, the Director-General of the WTO and the Secretary-General of UNESCO.