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B5-0159/2003 }
B5-0161/2003 }
B5-0164/2003 }

RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 37(4) of the Rules of Procedure by

- W.G. van Velzen and Ruth Hieronymi on behalf of the PPE-DE Group
- Eryl Margaret McNally and Erika Mann on behalf of the PSE Group
- Nicholas Clegg, Colette Flesch and Elly Plooi-j-van Gorsel on behalf of the ELDR Group

replacing the motions by the following groups:

- PPE-DE (B5-0159/2003),
- ELDR (B5-0161/2003),
- PSE (B5-0164/2003),

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

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PE 328.830}
PE 328.832}
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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 Fourth WTO Ministerial Conference Declaration, adopted on 14 November 2001 in Doha,
 - having regard to its report on the EU approach to the WTO Millennium Round (A5-0062/1999, Schwaiger report),
 - having regard to its resolution on the Fourth WTO Ministerial Conference (B5-0691/2001),
 - having regard to its resolution on openness and democracy in international trade (A5-0331/2001, Désir report),
 - having regard to Article 22 of the EU Charter of Fundamental Rights, which states that ‘the Union shall respect cultural, religious and linguistic diversity’,
 - having regard to the UNESCO Universal Declaration on Cultural Diversity, which stresses ‘the specificity of cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods’ (Article 8) and states that ‘market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development’ (Article 11),
- A. whereas the EU is the world leader in the services sector, thanks partly to its openness to competition, and open service markets can in principle have advantages for all countries, as open markets bring lower prices for consumers and business,
- B. whereas the services sector is extremely diverse, ranging from health and education to retailing and financial services,
- C. whereas the WTO Doha Round is to focus on a development agenda, and concrete results must therefore be achieved in order to convince the poorest nations that the success of the WTO is critical to the economies of all countries, rich and poor,
- D. whereas, however, the GATS agreement has given rise to widespread concerns regarding lack of transparency in the negotiating process and regarding its possible impact on public services and the regulation of services generally,

Political scrutiny and transparency

1. Recalls that services liberalisation is a matter of great public debate and that the offer must therefore be subject to effective Parliamentary scrutiny; welcomes, therefore, the efforts by the Commission to provide some Members of the European Parliament with the GATS EU offers; calls, however, for further transparency, including full access to EU negotiating documents for all Members of the European Parliament, subject to the EP rules on

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confidentiality;

2. Welcomes the efforts made by the Commission to improve transparency and to involve interest groups from all relevant service sectors, including the social partners, as well as civil society groups, but believes that further improvements are essential, making extensive information on the EU requests and offers available in order to permit informed public debate before any offer is made to the WTO; calls on the Commission to suggest to the WTO that requests and offers by all member states should be public;

The EU offer

3. Welcomes the Commission's initial offer on GATS as an important part of the Doha negotiations and a positive signal to the WTO membership that the EU is open for business and supports a non-discriminatory rules-based system; supports the commitments to enhance market access for EU service providers by reducing or eliminating barriers to trade in services;
4. Recalls that the negotiations on trade in services are to be conducted with a view to promoting the economic growth of all trading partners and the development of the developing and least developed countries, and that the GATS negotiations should be measured against this overriding goal;
5. Recalls that the GATS is voluntary and that its principles do not impose either privatisation or deregulation, or prescribe a particular degree of liberalisation as such; insists, however, that developing and least developed countries should not be put under pressure to liberalise services, in particular public services;
6. Welcomes also the Commission's announcement that no offers of liberalisation are proposed in the health, education and audiovisual sectors, and calls on the Commission to maintain this position throughout the GATS negotiations and to ensure that no circumvention of this right can take place;
7. Supports the right of each WTO member to regulate public services and services of general interest, and to uphold the principle of universal service obligations; wishes to see a clarification of the right to regulate with a view to ensuring that it cannot be undermined by the application of trade-related criteria such as the necessity test or the requirement to be 'least trade-restrictive';
8. Supports further opening up of markets in the financial services and telecom sector, and in other areas such as computer services, professional services, business services, construction and engineering, distribution, tourism and maritime transport; the European experience shows that the abolition of monopolistic structures can lead to more customer-orientated services at a reduced price level, at the same time creating skilled employment;
9. Supports the inclusion of environmental services insofar as they are classified in the proposal; at the same time agrees to exclude access to, and management of, water resources, as well as the allocation thereof;
10. Welcomes the offer to grant developing countries in particular better opportunities to supply

services to the EU market through temporary cross-border movement of qualified personnel, but insists that negotiations must ensure protection of cross-border workers against all forms of discrimination; recalls that in all these cases EU and national working conditions, minimum wage requirements and any collective wage agreements must continue to apply, regardless of whether the employer is registered within the EU;

11. Stresses that 'commercial presence' (investment) must continue to be governed by domestic tax, social and other regulatory measures; insists on the right to make foreign commercial presence conditional on respect for the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the revised OECD Guidelines for Multinational Enterprises;

Cultural services

12. Stresses the importance of cultural diversity and the need to respect national and regional diversity and to bring the common cultural heritage to the fore; each member state should have the legal flexibility to take all necessary measures in the areas of cultural and audiovisual policy to preserve and promote cultural diversity;
13. Recalls that cultural services are not to be compared to most other services and are therefore treated differently in existing agreements; recognises the European audiovisual sector's special role in sustaining cultural pluralism, economic performance and freedom of expression; reaffirms its commitment to the freedom of action in the sphere of audiovisual policy obtained at the Uruguay Round; takes the view that the GATS rules on cultural services, in particular in the audiovisual sector, should not jeopardise the cultural diversity and autonomy of the WTO contracting parties;
14. Supports the Commission in maintaining the possibility for the Community, its Member States and its regions to preserve and develop their capacity to define and implement policies in the cultural and audiovisual sectors in order to preserve their cultural diversity; takes the view that all cultural sectors should be excluded from the EU offer, including services relating to culture, recreation and sport;

Impact on developing countries

15. Recognises that the ability of some developing and least developed countries to regulate service sectors which were previously under public control or ownership may be limited or non-existent, and calls on the Commission to act sensitively in those areas where the developing country concerned has genuine development-based objections; insists that certain service sectors, such as water and sanitation, have a special status in developing and least developed countries, impacting directly and dramatically on people's daily lives, and therefore require special treatment;
16. Calls on the Commission to press, in conformity with Article XIX of the GATS, for a full assessment of trade in services in parallel with the DDA negotiations;
17. Instructs its President to forward this resolution to the Council, the Commission, the Member States and the candidate countries.