

# Discussion Paper

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## **Implementing cultural provisions of CARIFORUM-EU EPA**

How do they benefit the Caribbean  
cultural sector?

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KEA European Affairs

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**KEA** is a Brussels-based research and advisory company specialising in providing advice, support and research in relation to creative industries, cultural, entertainment, media and sport sectors since 1999. Their services include research and analysis, public affairs strategy, public relations, fund raising, network management and event management. KEA's clients range from SME's to high profile corporations, government agencies, local and regional authorities, NGO's, EU institutions and trade associations.

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## Abbreviations

AA	Association Agreement
ACERCA	Programa de Capacitación para el Desarrollo en el Sector Cultural
ACP	African, Caribbean and Pacific Group of States
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
ARCADES	Appui au Renforcement de la Culture et de l'Art pour le Développement Economique et Social
ASEAN	Association of Southeast Asian Nations
AVMS	Audiovisual Media Services Directive
BA	Bundesagentur für Arbeit
BBP	Banco de Buenas Prácticas de Proyectos de Cultura y Desarrollo
BIZCLIM	ACP Business Climate Facility
BKM	Bundesregierung für Kultur und Medien
BZ	Ministerie van Buitenlandse Zaken
CAACI	Conferencia de Autoridades Audiovisuales de Iberoamérica
CAMINO	Caribbean Music Industry Networking Organisation
CAN	Caribbean Audiovisual Network
CARICOM	Caribbean Community
CARIFESTA	Caribbean Festival of Arts
CARIFORUM	Caribbean Forum of African, Caribbean and Pacific States
CARTFund	Caribbean Aid for Trade and Regional Integration Trust Fund
CBI	Centre for the Promotion of Imports from developing countries
CCIs	Cultural and Creative Industries
CDB	Caribbean Development Bank
CEDA	Caribbean Export Development Agency
CHASE	Culture, Health, Arts, Sports and Education fund
CIDA	Cultural Industries Development Agency
CNC	Centre National de la Cinématographie
CPDC	Caribbean Policy Development Centre
CRIP	Caribbean Regional Indicative Programme
CRNM	Caribbean Regional Negotiating Machinery
CSME	Caribbean Single Market and Economy
CSS	Contractual Services Supplier
CTPSDP	Caribbean Trade and Private Sector Development programme
DCI	Development Co-operation Instrument
DFA	Départements français d'Amérique
DFID	Department for international Development
DG AIDCO	European Commission Directorate General for EuropeAid Co-operation Office
DG EAC	European Commission Directorate General for Education and Culture
DG INFOSOC	European Commission Directorate General for Information Society
DRAC	Directions Régionales des Affaires Culturelles
EC	European Commission
EDF	European Development Fund
EEAS	European External Access Service
ENT	Economic Needs Test
EPA	Economic Partnership Agreement

EU	European Union
EUROMED	Euro-Mediterranean Partnership
FTA	Free Trade Agreement
GESAC	European Grouping of Societies of Authors and Composers
ICEX	Instituto Español de Comercio Exterior
ICT	Information and Communications Technology
IDB	Inter-American Development Bank
INTERREG	Interregional Cooperation Programme of the European Regional Development Fund
JARIA	Jamaica Association of Reggae Industry Artists
KIT	Koninklijk Instituut voor de Tropen
LUMIERE	European Audiovisual Observatory Database
MEP	Member of the European Parliament
MDG	Millennium Development Goal
NGO	Non Governmental Organisation
OCT	Overseas Countries and Territories
OCW	Ministerie van Onderwijs, Cultuur en Wetenschap
ODA	Official Development Assistance
OECS	Organisation of Eastern Caribbean States
OEI	Organización de Estados Iberoamericanos
OIF	Organisation Internationale de la Francophonie
PEARLE	Performing Arts Employers Association League Europe
PSDP	Private Sector Development Programme
PSF	Priority Solidarity Funds
PSI	Private Sector Investment Programme
RCF	Regional Cooperation Funds
SAA	Society of Audiovisual Authors
SICA	Stichting Internationale Culturele Activiteiten
SME	Small and Medium Enterprise
SNE	Situación nacional de empleo
TIDCO	Tourism and Industrial Development Company of Trinidad & Tobago
TRINNEX	Trade and Investment Nexus
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
VDAB	Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding
VAHA	Visual & Performing Arts Jamaica
WTO	World Trade Organisation

## Executive Summary

### Introduction

Europe and the Caribbean have enormous cultural and creative assets, a wealth of ideas, artists and creative people. The Cariforum-EU EPA offers the opportunity to increase cultural exchanges and business cooperation. For the EU and the Cariforum countries it is now definitely interesting to explore how the cultural provisions of the EPA can be put into practice. As there is still a need to make European-Caribbean cultural cooperation a reality!

The cultural and creative sector is wide and covers among others the following activities: visual arts, performing arts, arts fairs, heritage, film and video, television and radio, video games, computer animation, music, publishing, design, fashion etc.

The objective of the ECPDM study is to have a better understanding of how the cultural provisions of the Cariforum-EU EPA are being implemented in the EU and how the Cariforum countries can benefit from these provisions. It looks at the measures that still need to be taken by the EU Member States, Cariforum countries as well as the operators of the culture and creative sector to ensure that the EPA can facilitate the development of these sectors in the Caribbean and increase the trade opportunities and cultural exchanges between the Cariforum countries and the EU Member States.

The ECPDM study looks foremost at how eight Member States of the EU such as Belgium, Denmark, France, Germany, Italy, the Netherlands, Spain and the United Kingdom implemented to date the cultural provisions of the Cariforum-EU EPA. These are the European countries that, due to their historical and linguistic ties, traditionally have the most cultural cooperation with the Cariforum countries. The national cultural programmes that could be useful for the Caribbean cultural sectors were also examined.

In addition the study looks at the activities and funding programmes developed by the European Commission at EU level to implement the cultural provisions of the Cariforum-EU EPA.

To have a better idea of the expectations of the governments of the Cariforum countries as well as the cultural and creative sectors in the Caribbean and the EU, an overview of their views and positions is also included in the study.

Finally on the basis of the results of the survey of what the EU Member States have done so far to implement the cultural provisions of the Cariforum-EU EPA, a set of recommendations are made on the actions that need to be taken by the European Commission, the EU Member States and the Cariforum countries to ensure that the cultural provisions of the Cariforum-EU EPA can effectively become a more useful tool to increase and boost cultural cooperation and trade.

## Cultural provisions of the CARIFORUM-EU EPA

In October 2008 the EU and the Cariforum countries<sup>1</sup> signed an Economic Partnership Agreement (EPA). It was the first time that the EU specifically included the cultural sector into a trade agreement. The cultural provisions were aimed at increasing trade and cultural exchanges between the EU and the Cariforum countries.

The inclusion of cultural provisions in the EPA is mainly the result of the adoption of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2005. It led the EU to adapt its trade policy for the culture sector. The European Commission elaborated in 2007 a model text for a Protocol on Cultural Cooperation to be used in its future EU trade agreements with third countries. The nature of the Protocols would vary according to the specific characteristics of the trade economic agreement negotiated by the EU.

The cultural provisions in the Cariforum-EU EPA can be divided into two separate categories:

- Market access provisions for entertainment services, enabling Cariforum artists and cultural professionals to have access to the EU market to provide services - *Commercial activities*.
- Cultural cooperation provisions, embodied in the Protocol on Cultural Cooperation ("Protocol"). The Protocol sets the framework within which the Parties to the EPA shall cooperate to facilitate exchanges of cultural activities, goods and services, including inter alia, in the audiovisual sector - *Non-commercial activities*.

### Market access provisions for the entertainment sector

The market access provisions for the entertainment sector are part of the "Investment, Trade in Services and E-Commerce" Title of the EPA. They are an integral part of the EPA. It is the first time that the EU and its Member States made significant market access commitments for the provision of entertainment services by professionals of third countries in the EU.

The entertainment services (other than audiovisual services) cover the services provided by: theatrical producers, singer groups, bands, orchestras, authors, composers, sculptors, entertainers, circuses, amusement parks, ballrooms, discotheques and dance instructors etc.

Different modes of supply of entertainment services are covered in the EPA: cross-border supply of services (mode 1), commercial presence (mode 3), and temporary presence of natural persons for business purpose (mode 4).

The market access commitments for entertainment services are relevant for the Cariforum countries as they give Caribbean companies more legal certainty when entering the European market. The conditions for doing business in the EU as well as the requirements to compete with local entertainment service suppliers are now more transparent. In some cases, the commitments created new openings for Caribbean service providers in the EU Member States. In most cases however, they merely consolidated the existing situation. The greatest benefit for the Caribbean service providers was actually that the commitments ensured that in the future no additional limitations to market access would be set.

<sup>1</sup> The 15 Cariforum countries are: Antigua y Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago.

In practice these commitments will increase the possibility for Cariforum entertainment businesses to set up an agency to provide entertainment services in the EU and increase the temporary presence of Caribbean natural persons for business purpose in the EU. The later commitment will be limited to the temporary movement of key personnel, graduate trainees and contractual service suppliers (CSSs). A number of conditions will also apply to limit the stay of CSSs in the EU.

Developed countries are normally willing to allow the supply of entertainment services through investments and commercial presence. However, immigration concerns make them more reluctant to allow the temporary entry of natural persons into their territories. In this context, the commitments made by most EU Member States (except Belgium) for the temporary entry of Caribbean natural persons are of particular relevance.

The EPA also lays down some limitations to the market access commitments for entertainment services. CSSs from the Cariforum countries wishing to provide entertainment services in the EU Member States (mode 4) will be subject to an Economic Needs Test and specific qualifications may be required.

### Protocol on Cultural Cooperation

The Protocol is aimed at improving the conditions for exchanges of cultural activities, goods and services between the Cariforum countries and the EU. It also focuses on redressing structural imbalances and asymmetries in trade between the Cariforum States and the EU. The Protocol puts Article 16 of the UNESCO Convention into practice - this Article gives developing countries preferential treatment.

The Protocol only addresses cultural practitioners that are not involved in commercial activities and wish to carry out cultural activities in the EU; this is not the case for the market access provisions.

The ECPDM study gives an outline of the various activities covered in the Protocol, but the following two actions should be highlighted:

- Better conditions for the entry into and the temporary stay in the EU or the Cariforum for a period up to 90 days in any 12-month period for artists carrying out non commercial activities.
- Caribbean-European co-produced works can enter the European market as a “European work” in accordance with the provisions of EU Audiovisual Media Services Directive and benefit from the broadcasting quotas. The Caribbean partner needs to funds at least 20% and the European partner a maximum of 80% of the total film budget.

The main drawback of the Protocol is that it does not foresee any financial commitments for its implementation by the European Union or its Member States.
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## Implementation of the cultural provisions in the EU

The implementation of the cultural provisions of EPA is still in its **very early stages**. The ECDPM study nevertheless tries to give an overview of what a selected number of EU Member States and also the European Commission have done to implement the market access provisions for the entertainment services and well as provisions of the Protocol on Cultural Cooperation.

## General implementation measures

The EPA is being applied provisionally since 29 December 2008. This will be the case until all the 27 EU Member States and the 15 Cariforum countries have ratified the EPA. Ratification is still under way in many EU Member States and Cariforum states. The table below shows the state of ratification.

Cariforum-EU EPA: status of ratification in Member States (as of 27 April 2011)					
Status	Party				
	Cariforum		EU		
Have ratified EPA	Antigua and Barbuda Dominica Dominican Republic		Malta Slovakia Spain Sweden United Kingdom		
Still to ratify EPA	Bahamas Barbados Belize Grenada Guyana Haiti Jamaica	Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Suriname Trinidad and Tobago	Austria Belgium Bulgaria Cyprus Czech Republic Denmark Estonia Finland	France Germany Greece Hungary Ireland Italy Latvia Lithuania	Luxembourg Netherlands Poland Portugal Romania Slovenia

Source: Table provided by officials of DG Trade

The first step towards the implementation of the EPA is to get its main institutions up and running. Four main institutions are foreseen by the Cariforum-EU EPA: a Joint Cariforum-EC Council; a Trade and Development Committee; a Parliamentary Committee and a Consultative Committee. Three of the four institutions are still not fully in place, but there are indications that the cultural provisions of the EPA will also be discussed in the various bodies. Such discussions will put more pressure on the EC and the EU Member States to take action.

DG Education and Culture of the European Commission have indicated that it is considering the possibility to set up an implementing body for the cultural provisions of the EPA, in particular the Protocol. Such body would be composed of representatives of the Caricom Secretariat, DG Trade, DG Information Society and DG Education and Culture of the European Commission. It would take the form of a task force or an implementing committee.

## Implementation measures taken by the EU Member States

The ECPDM study looks at the measures that eight EU Member States have taken to date to implement the cultural provisions of the EPA (Belgium, Denmark, France, Germany, Italy, the Netherlands, Spain, and the United Kingdom). It reviews the market access commitments, where particular attention is paid to the visa requirements, the Economic Needs Tests and the qualification requirements. An analysis of the specific actions to implement the Protocol on Cultural Cooperation is also provided. Special emphasis is placed on the cultural programmes set up by EU Member States that can be used to improve the cultural cooperation and exchanges between the Caribbean and the European cultural and creative sector.

The EPA is binding on the EU Member States and they are obliged to comply with its provisions. A difference needs however to be made between the two categories of cultural provisions in the EPA.

The market access provisions for entertainment services are **binding**. The commitments made by the EU Member States are directly applicable and in practice they will not need to take any specific measure to implement these market access provisions.

The provisions in the Protocol on Cultural Cooperation are according to EU Member States a set of **best endeavours** and not binding obligations. To which extent the provisions of the Protocol could create certain obligations for the EU Member States still needs to be clarified. At the moment only the provisions allowing the Cariforum audiovisual sector to benefit from the broadcasting quotas for co-productions are binding. The officials of the European Commission have indicated that in their view the provisions are “politically” binding. Member States interviewed in the course of this study stressed on various occasions the non-binding nature of the Protocol. For them the Protocol was an instrument to facilitate international cultural cooperation.

### Implementation of market access provisions

The eight Member States reviewed did not have adopted any additional measures to implement the market access provisions for the entertainment sector, as their legislation was already in line with the EPA requirements.

- Short Term Visas in Schengen Countries of the EU

The principal mode of delivery of cultural services by Cariforum countries is the movement of natural persons, e.g. for live performances. Visa policy plays an important role in enabling Cariforum entertainment professionals to have access to European market. It is also relevant for cultural practitioners that want to enter the EU for non-commercial purposes.

The short stay visas (“Schengen visas”) apply to all EU Member States except United Kingdom and Ireland. The Schengen visa allows the bearer to enter the territory of the Schengen countries for a maximum stay of 90 days in a six-month period. The visa may be issued for one or more entries.

According to the European Commission, the EU has made it easier for people coming from the Caribbean countries, including those working in the arts and entertainment industries, to travel to the EU on business. The EU simplified the mechanics of applying for a Schengen visa. The new rules on issuing such visas (Regulation (EC) 810/2009) came into force in April 2010.

Since May 2009, Antigua and Barbuda, the Bahamas, Barbados and Saint Kitts and Nevis have a visa waiver for the EU Schengen countries for short stays. The European Commission indicated that in next periodical revision of the visa lists, new countries of the Cariforum could be granted a visa waiver. Trinidad & Tobago, Grenade, Saint Vincent, Saint Lucia and Belize have submitted a request for a visa waiver. The visa waiver should make it easier for Caribbean business people of every sector to make full use of the EPA. It only applies to short stays, for long stays (longer than three months) and/or stays to take up gainful employment national visas will be issued.

To encourage cultural exchanges it is first of all important that the Protocol has an impact on the visa policies of Member States. The consulates of the Member States in the Cariforum countries need to be more aware of the Protocol and take it into account when processing visa applications. For example if a Cariforum artist receives an invitation for a training programme in an EU Member State, the consulate should be aware of the provisions of the Protocol and take them into consideration. To make sure that this happens, there should be an awareness raising exercise that keeps stakeholders and authorities informed of the content of the Protocol.

- Limitations set by EU Member States

To benefit from the market access provisions of the Cariforum-EU EPA, Cariforum entertainment professionals must be aware of the different limitations/conditions that apply in the various EU Member States where they would wish to provide their services, such as Economic Needs Tests (ENT) and qualifications requirements. These limitations are not the same for all EU Member States and different rules apply throughout the EU. The ECPDM study provides a country by country overview of the Economic Needs Tests and qualifications requirements and, if appropriate, national visa policies. (a specific Chart is attached in Annex III of the study).

### **Implementation of the Protocol on Cultural Cooperation by EU Member States**

The eight EU Member States contacted during this study indicated that at this moment they were not planning to set up a specific cultural cooperation programmes to implement the provisions of the Protocol on Cultural Cooperation of the EPA. This was the case for both their cultural policy programmes and their development cooperation programmes.

Most of these Member States already had cultural cooperation programmes with a number of Cariforum countries, in particular with the Cariforum countries with which they had strong historical and linguistic ties. Also no new initiatives or developments were foreseen as a follow-up to the Cariforum-EU EPA for these existing programmes.

Unfortunately there were also no initiatives in the EU Member States to start negotiations of bilateral co-production agreements for audiovisual works between individual EU Member States and individual Cariforum countries. Most government officials interviewed mentioned that they had not received any request from their audiovisual sector to launch negotiations. Co-production agreements are demand driven initiatives and EU Member States will only react if there was an interest on the side of their audiovisual sector. The lack of visibility of the audiovisual industry in the Cariforum countries as well as little information of their main assets were according to a number of Member States among the main reasons why up to date their industries had not shown a special interest in co-production agreements with the Caribbean countries. Member States also indicated that at present they were careful with the signing of any co-production agreements as this meant that they would also have to make funds available to implement these co-production agreements. The current budget cuts in EU Member States were also an issue.

Despite the lack of specific initiatives in the EU and its Member States, the ECPDM study identified a number of existing programmes in EU Member States that could assist the development of the Cariforum cultural sector and increase cultural exchanges between Cariforum and European artists and cultural practitioners. (Annex V includes a Chart giving an overview of the national programmes).



- Implementation measures taken by the EU Institutions

On 14 February 2011 MEP David Martin, Chairman of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee asked the European Commission what steps have been taken by the Commission and Member States to implement cultural provisions of the EPA. He also asked if the Commission was preparing new programmes or strategies to meet its obligations under the protocol (Question available in Annex II of the study).

EU Trade Commissioner, Karel De Gucht, replied on 10 May 2011 among others that in the coming months, the Commission would submit a first proposal to its Cariforum partners on monitoring the EPA's application and impact, and will discuss it with them. Such monitoring would cover market access, including for entertainment services. As for the Protocol on Cultural Cooperation, the Commission was working in several ways to implement it. First, by seeking a date for the first meeting of the Cariforum-EU Trade and Development Committee, the body which monitors progress in implementing the EPA, and requesting that cultural cooperation be added to the agenda.

The ECPDM study found that the Protocol on Cultural Cooperation did not contain any provisions ensuring a financial envelope for its implementation. The European Commission had also not made any specific funds available to promote cooperation between the EU and Cariforum cultural sectors.

When implementing the Protocol on Cultural Cooperation, one needs therefore to look at the existing programmes of the EU and its Member States. At the moment this is the only way to give some life to the Protocol - linking it to the current national programmes of the EU Member States and the programmes of the European Commission. The ECPDM study provides a detailed overview of these EU programmes and a chart has been attached in Annex IV.

- Measures taken in the Cariforum countries to improve their cultural sector

The importance of the cultural sector to the economy of the Cariforum country economy has been growing in the last couple of years. The global demand for Caribbean culture and creative goods and services has gone up and provides good returns on investment with examples of literary works, fashion, festivals, world music. Also the Diaspora is generating demand for domestic and regional content and providing bridges to international markets. Finally, new markets are emerging for the Caribbean: electronic communities, intra-regional markets, South-South markets, and cultural/heritage tourism.

A number of Cariforum countries, such as Barbados, Dominican Republic, Jamaica and Trinidad & Tobago have expressed great interest in the implementation of the cultural provisions of the EPA and indicated that it is a priority for their countries. They have developed strategies for their cultural and creative sector and are implementing activities in pursuit of these strategies.

Examples of the various activities being carried out in the various Cariforum countries have been included in the ECPDM study. Also their proposals to implement the cultural provisions of the EPA have been mentioned.

The ACP Secretariat in Brussels is also willing to take some initiatives to help the Cariforum countries implement the EPA. It would like to organise a regional meeting with the civil society in the Cariforum on the implementation of the EPA.

## Reactions of the European and Caribbean cultural sectors

The European culture organisations that took part in the negotiations of the EPA argues that it is still too early to look at the impact and the results of the Protocol, as no structures have been set up to implement the cultural provisions of the EPA. They emphasise the need of political will on both the EU Member States and the Cariforum States side to work together under this umbrella and implement the Protocol. All the more so as the EPA does not have a specific implementation Committee for the Protocol, as was the case for the Protocol on Cultural Cooperation of the EU-Korea FTA. Several suggestions were made on how to implement the Protocol.

The Caribbean cultural sector points to a number of problems which make it difficult for them to take advantage of the EPA. Such as: 1) weak organisation of the cultural sector, 2) lack of knowledge of cultural practitioners on how to benefit from the cultural provisions, 3) absence of information on market access requirements and opportunities in EU Member States and Cariforum countries, 4) need for support to overcome structural problems of the sector in the Cariforum countries, and 5) difficulty to meet the requirements of provisions for the audiovisual sector. The ECDPM study suggests a number of measures to overcome these difficulties.

## Conclusions and recommendations

### Main conclusions:

It is still too early to fully assess how the EU and its Member States have implemented the cultural provisions of the Cariforum-EU EPA. There are five main reasons for this:

- Most EU Member States and Cariforum countries have still not ratified the EPA. The EPA is being provisionally applied since December 2008, but as long as EU Member States have not ratified the EPA, their ministries are less inclined to take any specific measures to implement the cultural provisions of the EPA. The eight EU Member States interviewed had not adopted any specific measures to implement the cultural provisions of the EPA. Existing or upcoming measures were not a result of the EPA, but rather a continuation of their existing cultural cooperation policies with third countries.
- EU Member States consider the Protocol on Cultural Cooperation to be a set of “best endeavours” and not a “legally binding instrument”. This position impedes Member States to have a closer look at the provisions of Protocol and draw up an action programme to implement its provisions.
- No specific funds have been set up at EU or national level to support the implementation of the cultural provisions of the EPA. Some support could be found in the existing cooperation and culture programmes of the European Commission as well as the EU Member States.
- The four joint institutions established by the EPA are still not fully set up or operational. This has also lead to a delay in the discussions between the EU and the Cariforum on the implementation of the cultural provisions of the EPA.
- There is a lack of awareness on the side of the European cultural sector of the potential opportunities to cooperate with the Cariforum cultural sector. Thus, there has been little pressure of the European sectors on their governments to take action and encourage new funding opportunities or cooperation activities.

## Recommendations:

The fact that the EU, the EU Member States and the Cariforum countries are still in the early stages of implementing the cultural provisions of the EPA also has some benefits. It leaves room to make recommendations to deal with a number of the issues mentioned above.

### Actions and measures to be taken by the European Commission

- The European Commission should set up an implementing body for the Protocol.
- The European Commission should organise an EU-Cariforum Year on Cultural Cooperation and Trade Development. Such a year could lay out a roadmap for better cooperation and include a wide variety of events to be held in the EU and the Cariforum.
- The Culture Programme of DG EAC of the European Commission should select the Cariforum region as its next “special action” programme for third countries.
- More information on markets and the regulatory environment in the Cariforum needs to be made available to EU cultural professionals. A mapping on the cultural industries in the Cariforum and the EU should be carried out, building up on previous studies on the characteristics of the cultural sector in the region. Such a mapping would have to focus on identifying the cooperation opportunities, developing a database with the main stakeholders, and outlining possibilities for cultural operators to have access to funds.
- Cariforum countries and the EU should organise fairs and events for the private sector to make the European sector aware of the capacity of the Cariforum’s cultural sector in the EU and the Cariforum countries. EU Funding should be made available to carry out further research on the opportunities for the European cultural sector in the Cariforum countries.
- Funding programmes for cultural sector of the Cariforum countries should be increased. For example the 11<sup>th</sup> EDF (2014 – 2020) should also be used to increase the funding programmes for cultural sector of the Cariforum countries.
- New support programmes or existing support programmes should also allocate funds for capacity building of the Caribbean cultural sector. The cultural and creative sector of the Cariforum countries needs to be better informed of the existing EU programmes and it is also important that the professionals know how to make applications for EU calls for proposals.
- INTERREG funding should be explored to increase cooperation between the Outermost regions of the EU such as Guadeloupe, French Guyana and Martinique and the Cariforum countries in the cultural sector.

### Actions and measures to be taken by the EU Member States

- Member States should set up a task force in their ministries to examine in more detail how they could implement the cultural provisions of the EPA. They should clarify which existing funds could be used and discuss the possibility of developing new measures in the near future that would be specifically focused on the Cariforum countries. If Member States have funding programmes that address various developing regions in the world, particular attention should be given to cooperation with the Cariforum countries.
- Member States should make their cultural sector more aware of the existence of the cultural provisions of the EPA and inform them how they can use the existing national instruments to improve cultural cooperation with the Cariforum countries.
- The cultural and creative sector of the Cariforum countries needs to be better informed of the existing national programmes. As well as the practical steps they need to take if they provide an entertainment service in an EU Member State or participate in a cultural exchange programme. In this respect the mobility contact points that the Council of Ministers for Culture recently included in its conclusions could be very helpful starting point.
- Each EU Delegation and the embassies of the Member States in the Cariforum countries should have a contact desk or information point as well as a section in their website with information on

- cultural provisions of the EPA and related matters (visa policy and work permits for artists, available cultural cooperation programmes, related events, etc.).
- Co-productions of audiovisual works should be stimulated by developing links between European and Caribbean artistic and creative resources. For this it would be desirable to organise festivals, seminars and similar initiatives.

### **Actions and measures to be taken by the Cariforum countries**

- A number of Cariforum countries have developed strategies to strengthen their cultural sector (such as Barbados, Jamaica, Trinidad & Tobago, Dominican Republic and the OECS). Other Cariforum countries should be encouraged to do the same. This will allow all Cariforum countries to better integrate the cultural sector into their strategies to implement the EPA.
- The Cariforum countries still have to complete the appointment of their representatives to a number of committees foreseen in the EPA. They should also ensure that a representative of the cultural sector is appointed to the Consultative Committee - this representative should have a regional outreach.
- There is a need to improve the organisation of the cultural sector in the Cariforum countries, by creating industry associations, and introducing industry standards and regulations.
- Regional cooperation between the different cultural sectors is of the utmost importance to strengthen the branding and image of the Caribbean culture and creative industries. The region should for example establish a pan-Caribbean Trade Association for the creative industries.
- It is necessary to identify the competitive advantage of the cultural sector in the Cariforum region and focus on it. It is important that the Cariforum countries build up on existing experiences in exporting their knowledge and best practices in the cultural sector. (For example Trinidad & Tobago has excellent know-how and skills for the organisation of carnivals).
- Cariforum countries need to inform the European film industry of the benefits of producing audiovisual works in the Cariforum countries or entering into co-production with their producers: the facilities available on their territories, the existence of post-production industries, tax shelters, etc.
- Cariforum authorities should then negotiate co-production agreements with EU states or groups of states in order to benefit from the provisions for audiovisual co-production embodied in the Protocol on Cultural Cooperation.
- EU Member States consider the Protocol to be a demand driven exercise. It will be important for the cultural and creative industries of the Cariforum countries to indicate to the individual EU Member States and the European Commission the areas where they would like to cooperate with the EU. The culture and creative industries should be pro-active and draw up a wish list as well as a roadmap.
- The Caribbean region should also launch an online Entertainment and Arts Industry Portal in order to offer a directory of creative people.
- Cultural cooperation between Europe and the Caribbean will also have to develop at grassroots level. It is important that the cultural sectors on both sides start contacting each other and defining areas of potential cooperation. This will lead to better engagement and presentation of concrete projects for cooperation to be financed by the EU or the EU Member States. The role of the Caribbean Diaspora is important in this context.
- Cariforum cultural sector should be more active in applying to calls for proposals of DG AIDCO for the cultural sector.
- Support should be provided to the cultural sector, in particular to prepare them for international cooperation. A number of specific tools could be developed to encourage exports and the provision of services in the EU – such as scouting missions, gathering of market intelligence, collective representation in international fairs etc.
- Regional cooperation should be fostered also between creative Caribbean cities. A pilot project linking a number of cities of the different Cariforum countries should be set up. Such a project will enable the creative and culture industries to have a platform to exchange experiences and best practices and discuss cooperation opportunities. It will also allow each city to promote its culture and creative sector and learn from each other. The cooperation among cities will also give the Cariforum the means to better brand itself as a “Creative Region” in the EU and discuss joint initiatives to promote the Caribbean region at international trade fairs and fora.

- A second stage of the pilot project could consist of linking the creative cities of the Cariforum to a number of creative cities in the EU. Such direct links between Cariforum and EU cities could jump start cooperation between the EU and the Cariforum countries in the cultural and creative sectors. Dealing with cities has the advantage that you can cover a wide range of sectors and deal with governmental entities that are well aware of cultural activities taking place in their territory. The advantage of cities is also that many creative cities in the EU have used the culture and creative sector to boost their local development and attract more investments to their cities. But most importantly they have used it to create a better life for their citizens.

### **EU-Cariforum Platform for the Culture and Creative Industries**

To stimulate business cooperation and cultural exchanges between the EU and Cariforum culture and creative sector a platform should be set up. The culture and creative industries could come together to have an exchange of views on their respective markets and discuss potential business opportunities. A strategy plan to establish such a platform would have the following features:

- Gather and identify European and Caribbean stakeholders interested in the development of B2B activities with a view to finding cooperation partners.
- Involve public authorities in charge of implementing cultural policies and managing public funds for culture to enable a policy dialogue
- Closely associate European and Cariforum cities to consider cooperation opportunities
- Identify areas of research and studies, for instance in relation to the conditions to promote investment in local creative districts in Cariforum countries
- Organise a first face-to-face meeting between policy makers and creative industries to discuss the conditions needed to business cooperation
- Organise mission visits to creative cities in the EU and the Cariforum countries
- Consider the organisation of pitching events, branding the initiative, in selected festivals, that could take the form of government-backed specific industry missions
- Consider funding the participation of 10 Cariforum companies to important international trade fairs in the EU (establish a tendering process to select the best projects across sectors).
- Develop a communication strategy to reach SMEs in Europe and Cariforum (website and an annual conference in Europe and Cariforum on the topic of CCIs and publication of guides on investment opportunities).
- Associate other relevant partners such as the SME helpdesks in the activities to disseminate information and co-fund activities.



# 1. Introduction

Europe and the Caribbean have enormous cultural and creative assets, a wealth of ideas, artists and creative people. The potential for business cooperation and cultural exchanges between the EU and the Cariforum countries is vast and worth putting into practice.

The cultural and creative sector is wide and covers among others the following activities: visual arts, performing arts, arts fairs, heritage, film and video, television and radio, video games, computer animation, music, publishing, design, and fashion.

In October 2008 the EU and the Cariforum countries signed an Economic Partnership Agreement (EPA). It was the first time that the EU specifically included the cultural sector into a trade agreement. The EPA contained market access provisions for the entertainment services and a Protocol on Cultural Cooperation, both aimed at increasing trade and cultural exchanges between the EU and the Cariforum countries.

The inclusion of the cultural sector in the EPA was an important move made by both the Cariforum countries and the EU to improve their economic and cultural cooperation. Currently the culture and creative sectors are driving economic development and innovation in the EU<sup>2</sup>. It is a growing sector, developing at a higher pace than the rest of the economy - the same applies the employment created in this sector.<sup>3</sup> It has generated important economic performance in other non-cultural such as the ICT sector. The growth of media content and the expansion ICT sector are strictly intertwined and should be seen as the two sides of the same coin. The culture and creative sectors play a crucial role in local development by helping cities and regions to attract investments and creative talent. Culture is also the main driving force for tourism.

The implementation of the cultural provisions of EPA is still in its very early stages. This study nevertheless tries to give an overview of what a selected number of EU Member States and the European Commission have done to implement the market access provisions for the entertainment services and well as provisions of the Protocol on Cultural Cooperation. It also gives an overview of funding possibilities available at European and national level to finance cultural cooperation activities and cultural exchanges with the Cariforum countries.

Finally the study makes recommendations for measures and actions to be undertaken by the European Commission, the EU Member States and the Cariforum countries to ensure that the implementation of the EPA also becomes a reality for the culture and creative sector.

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<sup>2</sup> KEA Study on the Economy of Culture of 2007

<sup>3</sup> The turnover of European culture and creative industries amounted to 654 billion Euros in 2003, while the car manufacturing industry amounted to 271 billion Euros in 2001. The cultural and creative industries contributed 2.6 % of EU GDP in 2003, while the food, beverage and tobacco manufacturing sector contributed 1.9%. The overall cultural and creative industries growth between 1999 and 2003 was 12.3% higher than the growth of the general economy. Cultural and creative industries employed a conservative 5.8 million people, 3.1% of the total EU population in 2003.

## 2. Objectives

The objective of the study is to have a better understanding of how cultural provisions included in the EPA and the Cultural Protocol are being implemented and how the cultural sector of the Cariforum countries can benefit from the cultural provisions of the EPA. It will also look at the measures that still need to be taken by the EU Member States, Cariforum countries well as the operators of the culture and creative sector to ensure that the EPA can facilitate the development of the culture and creative sector in the Caribbean and increase the trade opportunities and cultural exchanges between the Cariforum countries and the EU Member States.

The study looked foremost at how a selected number of eight EU Member States such as Belgium, Denmark, France, Germany, Italy, the Netherlands, Spain and the United Kingdom implemented to date the cultural provisions of the Cariforum-EU EPA. These are the EU Member States that traditionally have had the most cultural cooperation with the Cariforum countries due to their historical and linguistic ties.

The cultural provisions were divided into two parts 1) the market access provisions for entertainment services and 2) the Protocol on Cultural Cooperation.

The measures taken by each Member State to implement the market access provisions were analysed separately. Particular attention was paid to the visa requirements, the Economic Needs Tests and the qualification requirements. In Annex III a chart has been added giving an overview of the measures taken by the EU Member States.

Also the specific actions taken by the Member States to implement the Protocol on Cultural Cooperation were reviewed. Special emphasis was placed on the cultural programmes set up by Member States that could be used to improve the cultural cooperation and exchanges between the Caribbean and the European cultural and creative sector. In Annex V a chart has been attached giving an overview of the existing national programmes.

In addition the study looked at the activities and funding programmes developed by the European Commission at EU level to implement the cultural provisions of the Cariforum-EU EPA. The EU funding programmes are listed in a chart in Annex IV.

To have a better understanding of the expectations of the governments of the Cariforum countries as well as the cultural sector in the Caribbean and the EU, an overview of their views and positions were included in this study.

On the basis of the results of the survey of what the EU Member States have done so far to implement the cultural provisions of the Cariforum-EU EPA, a set of recommendations were made on the actions that need to be taken by the different parties to ensure that the cultural provisions of the Cariforum-EU EPA can effectively become a more useful tool to increase and boost cultural cooperation and trade.

### **Methodology**

The study has mainly been based on face to face and telephone interviews with the Ministries of Trade, Ministries of Culture and Cultural Agencies of the eight EU Member States mentioned above. Meetings were held with a number of Permanent Representations of the Member States in Brussels. For these



interviews detailed questionnaires were drafted and sent in advance of the interview to allow officials of the national governments and the agencies to collect the required information.

Face to face interviews were also held with the European Commission (DG Trade, DG European External Action Services, DG AIDCO, DG Development, DG Education and Culture, and DG INFOSOC). Also interviews were held with the Delegation to the CARIFORUM - EU Joint Parliamentary Committee. As a result the chairman of the Delegation, MEP David Martin, asked a parliamentary question to the European Commission on the status of the implementation of the cultural provisions (Annex II) Meetings were also held with the European Economic and Social Committee.

The Cariforum countries were contacted as well. Interviews were held with a number of Ambassadors of the Cariforum countries in Brussels and representatives of their missions. In addition to these contacts, telephone interviews were held with a number of representatives of the Caribbean culture and creative sectors in the Cariforum countries as well as other bodies involved in the implementation of the EPA.

A meeting was also organised with the ACP Secretariat in Brussels.

To complete the study interviews were held with the most relevant European trade associations of the culture and creative sector as well as a number of academics.

Finally, the necessary desk research was carried out to analyze the EPA as well as to have more information on the existing cultural programmes that could benefit the Caribbean cultural and creative sector in the EU.

### 3. Brief description of the cultural provisions of the CARIFORUM-EU EPA

In this chapter the background information will be provided to have a better understanding of the context in which the cultural provisions of the Cariforum-EU EPA were negotiated. The following topics will be covered: background to the Cariforum-EU EPA; description of the role of culture in the EU's external relations; the impact of the UNESCO Convention on EU trade relations; and finally an analysis of the Cariforum-EU EPA cultural provisions.

#### 3.1. Background of the CARIFORUM-EU Economic Partnership Agreement

After 25 years of non-reciprocal trade preferences under the Lome Convention, the EU and the ACP countries signed the Cotonou Agreement in June 2000, in which both parties agreed to negotiate a new, WTO compatible, trade agreement by December 2007<sup>4</sup>. This Economic Partnership Agreement (EPA) would aim at *achieving sustainable development through a trade partnership that promotes regional integration and intends to integrate these countries into the world economy*<sup>5</sup>. Its main objectives are:

- Reducing and eradicating poverty through a trade partnership
- Promoting regional integration, economic cooperation and good governance
- Ensuring the gradual integration of the Cariforum countries into the world economy

<sup>4</sup> European Commission, DG Trade, Introduction to the Cariforum-EC EPA, December 2009, p. 1.

<sup>5</sup> European Commission, DG Trade, Information Paper Cariforum-EU Economic Partnership Agreement, An Overview, July 2008, p. 3.

- Improving the Cariforum countries capacity in trade policy and trade related issues
- Promoting economic growth, increasing investment and improving private sector capacity and competitiveness in Cariforum
- Strengthening Cariforum – EU trade relations

The negotiations of the Cariforum-EU EPA started in 2004. It is the first EPA concluded between the EU and grouping of ACP countries. All Cariforum countries with the exception of Cuba signed the agreement<sup>6</sup>. The 15 Cariforum countries are: Antigua y Barbuda, Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago. Henceforth, we will refer to these Cariforum EPA countries as the “Cariforum countries”.

The Cariforum-EU EPA<sup>7</sup> was signed on 15 October 2008 by 13 of the Cariforum countries and on 20 October by Guyana. Haiti signed the Agreement later on 10 December 2009. Since 29 December 2008 the EPA is being applied provisionally (in accordance with EPA Article 243<sup>8</sup>).

This is however not the case for Haiti due to the earthquake it suffered a couple of years ago<sup>9</sup>. In practice, provisional application means that the agreement has entered into force and that the provisions of the agreement are binding on both the EU Member States and the Cariforum countries.

It should be noted here that the date that the provisional application came to effect differs among the EU Member States. For the first 15 EU Member States it was 29 December 2008, for the 10 new Member States<sup>10</sup> it will be three years after this date and for Bulgaria and Romania five years later.

### **3.1.1. Role of culture in EU’s external relations and UNESCO Convention**

Culture is covered into two separate parts of the EPA. Firstly, cultural service providers are mentioned under the market access provisions for the entertainment sector. These provisions are an integral part of the EPA and are included among the trade in services provisions of the EPA. Secondly, culture is mentioned in a separate protocol attached to the EPA, the so-called Protocol on Cultural Cooperation (“Protocol”).

To better understand the exact nature and possible impact of the cultural provisions of the EPA on the development of cultural cooperation between the EU and the Cariforum countries, it is necessary to give a brief overview of the political and legal context in which they were drafted and negotiated. Also information will be given on how the EU’s policy for cultural cooperation has evolved since the adoption of the EPA. This is relevant for the measures that can be taken to implement the EPA by the EU and its Member States.

The EU’s policy on cultural cooperation with third countries is primarily based on the Lisbon Treaty of the EU and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (“UNESCO Convention”).

<sup>6</sup> European Commission, DG Trade, Introduction to the Cariforum-EC EPA, December 2009, p. 1.

<sup>7</sup> Text of EPA is available on: [http://www.delbrb.ec.europa.eu/en/epa/epa\\_signing\\_docs/EPA\\_Full\\_Text\\_FINAL.pdf](http://www.delbrb.ec.europa.eu/en/epa/epa_signing_docs/EPA_Full_Text_FINAL.pdf)

<sup>8</sup> EPA, Article 243, 3 on Entry into Force: “Pending entry into force of the Agreement, the European Community and the Signatory Cariforum States shall agree to provisionally apply the Agreement, in full or in part. This may be effected by provisional application pursuant to the laws of a signatory or by ratification of the Agreement. Provisional application shall be notified to the depositary. The Agreement shall be applied provisionally ten (10) days after the latter of the receipt of notification of provisional application from the European Community or from all the Signatory Cariforum States. Provisional application shall be effected as soon as possible, but no later than 31 October 2008.

<sup>9</sup> <http://trade.ec.europa.eu/doclib/press/index.cfm?id=571&serie=342&langId=en>

<sup>10</sup> Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia.

- The **Lisbon Treaty** states in Article 167 (ex Article 151 TEC) that “The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe”<sup>11</sup>.
- The **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions** of October 2005 has several provisions to foster international solidarity and cooperation with special attention to developing countries and cultural expressions under threat<sup>12</sup>. The UNESCO Convention includes under Section IV the rights and obligations that are particularly important in the field of international relations. In Annex I the text of the relevant articles of the UNESCO Convention can be found.

The EU ratified the UNESCO Convention on 18 December 2006<sup>13</sup> and it is committed, alongside its Member States, to integrating a cultural dimension as a fundamental element in its relations with partner countries and regions<sup>14</sup>. The UNESCO Convention entered into force in March 2007 and since then the European Union has taken a number of steps to enhance the role of culture in its policy making with respect to third countries. Below the main measures taken by the European Commission have been listed.

1. The European Commission launched in May 2007 a Communication on a European Agenda for Culture in a Globalizing World<sup>15</sup>. It provided for the first time a strategic approach to cultural action involving several of its Directorate Generals, civil society and Member States. The three key priorities were:
  - promotion of cultural diversity and intercultural dialogue,
  - promotion of culture as a catalyst for creativity,
  - promotion of culture as a vital element in the EU’s international relations.

The third priority also stressed the commitment of the EU and its Member States to the UNESCO Convention: *“As parties to the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, the Community and the Member States have reaffirmed their commitment to developing a new and more pro-active cultural role for Europe in the context of Europe’s international relations and to integrating the cultural dimension as a vital element in Europe’s dealings with partner countries and regions”*<sup>16</sup>.

2. The European Agenda mentioned above also had an impact on the Council’s Work Plan for Culture for the period 2008-2010, which set the promotion and implementation of the UNESCO Convention as one of its priorities<sup>17</sup>.
3. 2008 was designated the European Year of Intercultural Dialogue and in November 2008, the Council approved the “Conclusions on the promotion of cultural diversity and intercultural dialogue in the

<sup>11</sup> Treaty on the functioning of the European Union, Official Journal of the European Union, 30.03.2010, C 83/121.

<sup>12</sup> UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 20 October 2005.

<sup>13</sup> [http://ec.europa.eu/avpolicy/ext/multilateral/unesco/index\\_fr.htm](http://ec.europa.eu/avpolicy/ext/multilateral/unesco/index_fr.htm)

<sup>14</sup> [http://ec.europa.eu/culture/our-policy-development/doc1741\\_en.htm](http://ec.europa.eu/culture/our-policy-development/doc1741_en.htm)

<sup>15</sup> European Commission (2007), Communication from the Commission on a European Agenda for Culture in a Globalizing World, COM (2007) 242 final, Brussels, p. 10.

<sup>16</sup> European Commission (2007), Communication from the Commission on a European Agenda for Culture in a Globalizing World, COM (2007) 242 final, Brussels, p. 10.

<sup>17</sup> Council of the European Union (2008), Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the Work Plan for Culture 2008-2010 (2008/C 143/06), Official Journal of the European Union C 143, p. 14.

external relations of the Union and its Member States”<sup>18</sup>. Again, one of its declared objectives was to promote the UNESCO Convention. The Council, included in the wording of its Conclusions the idea that the UNESCO Convention was a “*central element in the cultural relations of the Union and its Member States with third countries and one of the pillars of global governance*”<sup>19</sup>.

Since the signing of the EPA in October 2008 the EU continued to include culture in its external relations and acknowledge the role of culture in development. Below a number of the activities are listed:

4. The European Commission’s Report of 20 July 2010 on the implementation of the European Agenda for Culture<sup>20</sup> pointed out that a new strategy for culture in the EU’s external relations had emerged since the adoption of the Agenda of 2007.
5. An international colloquium on “Culture and Creativity as Vectors for Development” was organised by the European Commission in April 2009 in Brussels. The three main aims of the colloquium were: to create an opportunity for ACP and EU cultural professionals to discuss and identify problems and practical solutions to facilitate the development of cultural industries in the South; to have a platform to facilitate meetings and discussions between professionals and policy makers; and finally to identify proposals for future action from different actors<sup>21</sup>.
6. As a follow-up to the colloquium, a committee of ACP and EU professionals was established to monitor progress and input to the formulation of the 10th EDF intra-ACP Culture Programme.
7. An “International Seminar on Culture and Development” was held in Girona in May 2010<sup>22</sup>. This seminar encouraged agents responsible for cooperation in partner and donor countries, as well as international organizations, to integrate culture in their development policies by analysing projects that could serve as “best practices”.
8. The Council of Ministers of Culture of 18 and 19 November 2010 adopted a Work Plan for Culture for 2011-2014<sup>23</sup>. This Plan identified culture in external relations as one of priority areas of the EU (in line with the objectives of the Europe 2020 Strategy to deploy external policy instruments).

In brief, the Work Plan outlined the following measures to be developed by the European Commission in cooperation with Member States, to improve and promote cultural cooperation with third countries:

- Joint informal meetings between senior officials of Ministries for Culture and senior officials responsible for culture in the Ministries for Foreign Affairs to be organized by the EU Presidencies of the Council of Ministers to develop a strategic approach to culture cooperation with third countries. Information sharing tools would be developed and the Commission would provide a web

<sup>18</sup> Council of the European Union (2008), Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States (2008/C 320/04), Official Journal of the European Union C 320.

<sup>19</sup> Council of the European Union (2008), Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States (2008/C 320/04), Official Journal of the European Union C 320, p. 3.

<sup>20</sup> European Commission (2010), report on the implementation of the European Agenda for Culture, Official Journal of the European Union C 390, COM(2010)390, Brussels.

<sup>21</sup> <http://www.culture-dev.eu/www/website.php?rub=accueil&lang=en>

<sup>22</sup> <http://www.culturaydesarrollo2010.es/eng/index.asp>

<sup>23</sup> Council of the European Union (2008), Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the Work Plan for Culture 2008-2010 (2008/C 143/06), Official Journal of the European Union C 143, p. 14.

space for information sharing in 2011 – to be updated jointly by the European Commission and the Member States.

- The EU and Member States would further promote the ratification of the UNESCO Convention in their relations with third countries and continue to implement its provisions in European and national policies.
  - The European Commission would convene meetings of expert groups, when necessary, on specific issues to facilitate the definition of strategies for cultural relations with third countries. These groups focus on specific regions in the world. For example culture in the neighbourhood countries (Euromed, Eastern Partnership, Danube Region, etc.), culture in emerging economies, culture and development (ACP countries).
9. The latest step taken at EU level was adoption by the Council of Ministers for Culture on the 21 of April 2011 of the Council Conclusions on “mobility information services for artists and for culture professionals”<sup>24</sup>.

The Ministers of Culture agreed that minimum information to be made available would consist of:

- topics covering regulatory, administrative and other issues concerning mobility such as social security, taxation, intellectual property rights, visas and work permits, insurance and customs, and recognition of professional qualifications,
- information on funding and training opportunities could also be provided.

An expert working group would be established to identify the content guidelines for mobility information services, including information for third-country nationals.

This is an interesting initiative for the cultural sector of the Cariforum countries as these mobility contact points will also be able to provide them with useful information.

### **3.1.2. EU trade policy after the UNESCO Convention: Protocols on Cultural Cooperation**

The UNESCO Convention had an impact on the trade policy of the EU and the negotiation of trade agreements with third countries.

For the Doha Round WTO negotiations, the General Affairs Council adopted on 26 October 1999 the negotiating mandate for the European Commission. As far as culture and audiovisual services were concerned, the mandate specified that *“the Union will ensure, as in the Uruguay Round, that the Community and its Member States maintain the possibility to preserve and develop their capacity to define and implement their cultural and audiovisual policies for the purpose of preserving their cultural diversity”*<sup>25</sup>.

Following the adoption of the UNESCO Convention in 2005, however, the EU adapted its trade policy for the culture sector for a number of third countries. The European Commission elaborated in 2007 a model text for a Protocol on Cultural Cooperation to be used in future EU trade agreements, including Economic Partnership Agreements (EPAs), Free Trade Agreements (FTAs) and Association Agreements (AAs). This Protocol was the response to negotiating directives on trade in services issued by the Council for the negotiations of EPAs, trade negotiations with the Euromed countries, Korea, India, ASEAN, the Andean Community and Central America.

<sup>24</sup> Council of the European Union, Draft Council conclusions on mobility information services for artists and for culture professionals, Brussels, 19 April 2011.

<sup>25</sup> [http://ec.europa.eu/culture/our-policy-development/doc1751\\_en.htm](http://ec.europa.eu/culture/our-policy-development/doc1751_en.htm)

The nature of these Protocols on Culture Cooperation varies according to the specific characteristics of the trade agreement negotiated by the EU. For instance, the Protocol of the Cariforum-EU EPA had to reflect the asymmetric relation with developing countries and include a development policy dimension. In line with Article 16 of the UNESCO Convention, the EU recognised the need to ensure preferential treatment for developing countries<sup>26</sup>. Whereas for example the Free Trade Agreement with Korea had to reflect the particular degree of development of cultural industries in Korea and its schemes for the promotion of local and regional cultural content<sup>27</sup>.

### 3.2. Description of the cultural provisions of the EPA

The provisions for the cultural sector in the Cariforum-EU EPA can be divided into two separate categories:

1. **Market access provisions** for entertainment services, enabling Cariforum artists and cultural professionals to have access to the EU market to provide services. (**Commercial activities**).
2. **Cultural cooperation provisions**, embodied Protocol on Cultural Cooperation ("Protocol"). The Protocol sets up the framework within which the Parties to the EPA shall cooperate to facilitate exchanges of cultural activities, goods and services, including inter alia, in the audiovisual sector. (**Non-commercial activities**).

#### 3.2.1. Market access provisions for the entertainment sector

The market access provisions for the entertainment sector are part of the "Investment, Trade in Services and E-Commerce" Title of the EPA<sup>28</sup>. It is the first time that the EU and its Member States made significant market access commitments for the provision of entertainment services by professionals of third countries in the EU.

These entertainment services (other than audiovisual services) cover the activities of the following artists and cultural practitioners:

- theatrical producer, singer group, band and orchestra
- authors, composers, sculptors, entertainers Ancillary theatrical services
- Circus and amusement parks
- Ballroom, discotheque and dance instructor services

Two Member States of the EU did not make commitments for the entire list of entertainment services mentioned above<sup>29</sup>:

Germany: limited its commitments to theatrical producer, singer group, band and orchestra entertainment services; and services provided by authors, composers, sculptors, entertainers and other individual artists.

Austria: limited its commitments to authors and dance instructor services

The Title on Investment, Services and E-Commerce covers the different modes of supply of entertainment services: commercial presence (mode 3), cross-border supply of services (mode 1) and temporary presence

<sup>26</sup> European Commission (2010), report on the implementation of the European Agenda for Culture, Official Journal of the European Union C 390, COM(2010)390, Brussels, p.7.

<sup>27</sup> European Commission, DG Trade, Background, Protocol on Cultural Cooperation with Korea, p.1  
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=443>

<sup>28</sup> Caribbean Regional Negotiating Machinery, Provisions on the Cultural Sector in the Cariforum-EU EPA, July 2008, p.2.

<sup>29</sup> Keith Nurse, The Economic Partnership Agreement and the Creative Sector: Implications and Prospects for Cariforum, 2007, p.6.

of natural persons for business purpose (mode 4)<sup>30</sup>. In this section we will analyse the commitments made by the Member States in modes 3 and 4 as well as the limitations that apply to these commitments.

These market access commitments are relevant for the Cariforum countries as they give Caribbean companies more legal certainty when making plan to enter the European market. The conditions for doing business in the EU as well as the requirements to compete with local entertainment service suppliers are now more transparent in the EU. In some cases, the commitments created new openings for Caribbean entertainment service providers in the EU Member States (for example in Spain<sup>31</sup>). In most cases however it should be noted that they merely consolidated the existing situation (this was the case for Germany<sup>32</sup>).

The greatest benefit for the Caribbean service providers was actually that these commitments would ensure that in the future no additional limitations to market access would be set<sup>33</sup>.

In practice these commitments will:

1. Increase the possibility for Cariforum entertainment businesses to set up an agency to provide entertainment services in Europe (mode 3 on commercial presence, henceforth “mode 3”)<sup>34</sup>

For example a Caribbean company will be able to establish an agency to provide entertainment services in Austria, Belgium, Bulgaria<sup>35</sup>, Denmark, Estonia<sup>36</sup>, France, Germany, Greece, Hungary, Ireland, Italy, Latvia<sup>37</sup>, Lithuania, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.

Caribbean firms will also be allowed to invest in entertainment services in the majority of EU Member States, except in nine of the new members (mainly from Eastern Europe<sup>38</sup>).

2. Increase temporary presence of natural persons for business purpose (mode 4 on temporary presence of natural persons for business purpose, henceforth “mode 4”).

With the exception of Belgium all other 26 EU Member States have made market access commitments for entertainment services under mode 4 (Annex IV of the EPA).

Developed countries are normally willing to allow the supply of entertainment services through investments and commercial presence. However, immigration concerns make them more reluctant to allow the temporary entry of natural persons into their countries. In this context, the commitments made by most EU Member States for the temporary entry of these natural persons are of particular relevance.

<sup>30</sup> Modes of trading services as defined by WTO: [http://www.wto.org/english/tratop\\_e/serv\\_e/cbt\\_course\\_e/c1s3p1\\_e.htm](http://www.wto.org/english/tratop_e/serv_e/cbt_course_e/c1s3p1_e.htm)

<sup>31</sup> Compared to the previous situation, Cariforum contractual services suppliers of entertainment services can now enter the country to provide services for a cumulative period of not more than six months (the conditions and limitations to this provision are explained later in this document). Interview with Alicia Pindado, Head of Unit, Trade on International Services, Secretary of State for Trade, 1 February 2011.

<sup>32</sup> Information provided by the German Federal Ministry of Labour and Social Affairs, 23 March 2011.

<sup>33</sup> Information provided by Committee on Trade Policy at the Federal Public Service Foreign Affairs of Belgium, 3 March 2011.

<sup>34</sup> International Trade Centre, EC–Cariforum Economic Partnership Agreement: Services and Investment Commitments, Geneva: ITC, 2009, chapter 1, p. 95.

<sup>35</sup> For Bulgaria it includes only theatrical producer, singer group, band and orchestra entertainment services; services provided by authors, composers, sculptors, entertainers and other individual artists; and ancillary theatrical services.

<sup>36</sup> For Estonia, it does not include other entertainment services, except for cinema theatre services.

<sup>37</sup> For Latvia, it includes only cinema theatre operation services.

<sup>38</sup> Caribbean Regional Negotiating Machinery, Provisions on the Cultural Sector in the Cariforum-EU EPA, July 2008, p. 2.

These commitments cover a subset of labour related migration commitments limited to the temporary movement of key personnel, graduate trainees and contractual service suppliers in the EU:

- Cariforum staff can work in an EU Member State if the Cariforum company has a commercial presence in that EU Member State<sup>39</sup>.

For the following staff, a Cariforum business could secure permission to allow them to work in their company and provide entertainment services in the EU: 1) key personnel<sup>40</sup> (e.g. managers and specialists) and graduate trainees<sup>41</sup> on intra-corporate transfers for a period of up to three years; 2) senior staff responsible for establishing a commercial presence for 90 days in any 12-month period; and 3) new graduate trainees for one year.

In France, the nationality condition applies when the authorisation is sought for personnel carrying out a management function for a period longer than two years<sup>42</sup> (normally up to three years).

- Cariforum entertainers are allowed to provide services in EU Member States:

Cariforum artists and entertainers<sup>43</sup> that are employed by a registered company in a Cariforum country with no commercial presence in the EU but have a contract to provide services in an EU Member State can travel to this Member State to provide services as a **contractual service supplier (CSS)**<sup>44</sup>.

This applies to “entertainment services other than audiovisual services”<sup>45</sup>. It should be noted that a number of conditions will apply to limit the stay of CSSs in the EU, such as<sup>46</sup>:

- natural persons must be engaged in the supply of a service on a temporary basis as employees of a juridical person, which has obtained a service contract for a period not exceeding 12 months;
- natural persons entering the other Party must be offering such services as an employee of the juridical person supplying the services for at least the year immediately preceding the

<sup>39</sup> Article 83, 2 of the EPA: the EC Party shall allow the supply of services into the territory of its Member States by contractual services suppliers of the Cariforum States through presence of natural persons, subject to the conditions specified below and in Annex IV, in a number of sub-sectors (other than audiovisual services).

<sup>40</sup> As defined in article 80 of the EPA: ‘key personnel’ means natural persons employed within a juridical person of the EC Party or of the Signatory Cariforum States other than a non-profit organisation and who are responsible for the setting-up or the proper control, administration and operation of a commercial presence.

<sup>41</sup> As defined in article 80 of the EPA: ‘graduate trainees’ means natural persons of the EC Party or of the Signatory Cariforum States who have been employed by a juridical person of that EC Party or Signatory CARIFORUM State for at least one year, possess a university degree and are temporarily transferred to a commercial presence or to the parent company of the juridical person in the territory of the other Party, for career development purposes or to obtain training in business techniques or methods. The recipient commercial presence may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for training. For Spain, France, Germany, Austria and Hungary, training must be linked to the university degree which has been obtained.

<sup>42</sup> International Trade Centre, EC–CARIFORUM Economic Partnership Agreement: Services and Investment Commitments, Geneva: ITC, 2009, chapter 1, p. 95.

<sup>43</sup> Caribbean artists will need to register as a company and list themselves as an employee to qualify as a contractual service supplier to receive the market access benefits.

<sup>44</sup> Art 80 of EPA: ‘contractual services suppliers’ means natural persons of the EC Party or of the Signatory CARIFORUM States employed by a juridical person of that EC Party or Signatory CARIFORUM State which has no commercial presence in the territory of the other Party and which has concluded a bona fide contract (other than through an agency as defined by CPC 872) to supply services with a final consumer in the latter Party requiring the presence on a temporary basis of its employees in that Party in order to fulfil the contract to provide services;

<sup>45</sup> Article 83 of EPA.

<sup>46</sup> Economic Partnership Agreement between the CARIFORUM States, the European Community and its Member States, Official Journal of the European Union, 30 October, 2008, Chapter 4, Article 83.



date of submission of an application for entry into the other Party. In addition, the natural persons must possess, at least three years professional experience in the sector of activity which is the subject of the contract;

- with the exception of fashion model services, chef de cuisine services, and entertainment services other than audiovisual services, the natural persons entering the other Party must possess (i) a university degree or a qualification demonstrating knowledge of an equivalent level (2) and (ii) professional qualifications where this is required to exercise an activity pursuant to the law, regulations or requirements of the EC Party or of the Signatory Cariforum State applicable where the service is supplied;
- the natural person shall not receive remuneration for the provision of services other than the remuneration paid by the CSS during its stay in the other Party;
- the temporary entry and stay of natural persons within the Party concerned shall be for a cumulative period of not more than six months or, in the case of Luxemburg, 25 weeks, in any 12-month period or for the duration of the contract, whichever is less;
- access accorded under the provisions of this Article relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the Party where the service is provided;
- the number of persons covered by the service contract shall not be larger than necessary to fulfil the contract;
- other discriminatory limitations, including on the number of natural persons in the form of economic needs tests.

In the case of Slovenia, no Economic Needs Test or assessment of qualifications applies. The discriminatory limitations consist of limits on the duration of the stay. This duration is limited to seven days per event. For circus and amusement park services, the duration of stay is limited to 30 days per calendar year<sup>47</sup>.

### 3.2.1.1. Limitations to market access commitments

The EPA also lays down some limitations to the market access commitments for entertainment services. Contractual services suppliers from the Cariforum countries wishing to provide entertainment services in the EU Member States (mode 4) will be subject to an Economic Needs Test and specific qualifications may be required. Below more information is given on these two requirements:

#### 1. Economic Needs Test

Economic Needs Tests (“ENT”) are required in all the EU countries that made commitments for contractual services suppliers<sup>48</sup>, with the exception of Slovenia.

An ENT<sup>49</sup> is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking the existing local capacity first into account (including for example the number of local

<sup>47</sup> International Trade Centre, EC–CARIFORUM Economic Partnership Agreement: Services and Investment Commitments, Geneva: ITC, 2009, chapter 10, p. 96.

<sup>48</sup> Only Belgium did not make commitments.

<sup>49</sup> The ENT is mentioned in Annex IV D of article 83 of the EPA on “contractual services suppliers and independent professionals”<sup>49</sup>. It states: “In those sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the Member State of the European Union or the region where the service is to be provided, including with respect to the number of, and the impact on, existing services suppliers”<sup>49</sup>.

suppliers and the impact on existing services suppliers<sup>50</sup>). It is considered to be a partial limitation to market access<sup>51</sup> commitment.

The lack of a clear set of criteria to use ENTs makes it difficult to understand how they are applied in the different Member States. Each Member States uses its own definitions<sup>52</sup>. The terms used for the ENTs in the EPA are also very broad. It should be noted here that ENTs are not something new. Many EU Member States used them before the signing of the EPA. The EPA did not introduce any changes to the way the ENTs work or are applied in the different Member States.

More information on how the Economic Needs Tests function in a number of EU Member States is provided in Chapter 5 of this study.

## 2. Qualifications

In all EU Member States (except in Belgium and Slovenia) qualifications may be required. In the case of Austria, advanced qualifications are asked.

Qualifications, as defined in this EPA, mean diplomas, certificates and other evidence (of formal qualification) issued by an authority designated pursuant to legislative, regulatory or administrative provisions and certifying successful completion of professional training<sup>53</sup>.

If the qualifications have not been obtained in one of the EU Member States, the country concerned may evaluate if they are equivalent to the qualifications required in its territory<sup>54</sup>.

### 3.2.2. Protocol on Cultural Cooperation

#### 3.2.2.1. Background

The Cariforum-EU EPA is the first trade agreement signed by the EU that annexes a Protocol on Cultural Cooperation to implement the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

The Protocol also put Article 16 of the UNESCO Convention into practice. This Article gives developing countries preferential treatment<sup>55</sup>. It facilitates cultural exchanges between developed and developing countries, and creates an obligation for developed countries in favour of developing countries with regard to artists and other cultural professionals<sup>56</sup>.

In short, the objectives set in the Protocol are aimed at cooperating to facilitate the conditions for exchanges of cultural activities, goods and services including the audiovisual sector, and at collaborating to improve the

<sup>50</sup> Economic Partnership Agreement between the CARIFORUM States, the European Community and its Member States, Official Journal of the European Union, 30 October, 2008, p. 1696

<sup>51</sup> Pierre Sauvé and Natasha Ward, The EC-Cariforum Economic Partnership Agreement: Assessing the Outcome on Services and Investment, 2009, p. 34.

<sup>52</sup> EU EPA Negotiations: Opportunities and Limitations, Presentation at EABC EPA Regional Sensitization Workshop, Based on Study for International Lawyers and Economists against Poverty, February 26-28, 2009, p. 18.

<sup>53</sup> Article 80 of the EPA.

<sup>54</sup> Caribbean Regional Negotiating Machinery, Getting to Know the EPA: Provisions on Services and Investment, 2008, p. 3.

<sup>55</sup> Pierre Sauvé and Natasha Ward, The EC-Cariforum Economic Partnership Agreement: Assessing the Outcome on Services and Investment, 2009, p. 54.

<sup>56</sup> Yvon Thiec and Fernando Labrada, Best Practices re Regulatory Regimes and Incentives to Develop the Audiovisual Sector in the Caribbean Draft Report on World Best Practices in Legislation, Regulatory Regimes and Incentives, Caribbean Regional Negotiating Machinery, July 2009, p. 87.

conditions for these exchanges. It also focuses on redressing structural imbalances and asymmetries in trade between the Cariforum States and the EU<sup>57</sup>.

Contrary to the market access provisions for the entertainment services of the EPA, the Protocol only addresses artists and cultural practitioners that are not involved in commercial activities and wishing to carry out cultural activities in the EU<sup>58</sup>.

The Protocol is mainly a **set of best endeavours** whereby the contracting parties have committed to collaborate and cooperate in the cultural field and to encourage and facilitate exchanges and the sharing of experience. This is done in most cases in conformity with their respective legislation.

The Protocol is “politically” binding agreement according to the European Commission, as EU Member States have engaged themselves by signing a trade agreement with the Cariforum countries. However, its provisions are not “legally” binding, with the exception of one specific Article.

This is Article 5(2)(a) where it is stated that co-produced audiovisual works shall benefit from the preferential market access to the EU in the form of qualification as European works<sup>59</sup>. This means that under certain conditions co-produced audiovisual works will be able to benefit from the EU broadcasting quotas for audiovisual works. This Article is self-executory and does not require any further work to be carried out by the Member States<sup>60</sup>.

### 3.2.2.2. Description of the content of the Protocol

Below a short description is given of the various activities covered in the Protocol. It is divided in horizontal and sectoral activities for cultural exchanges and cooperation. In addition, the nature of these provisions is briefly outlined.

#### Horizontal Provisions:

- a. Development of cultural policies and cultural industries and enhancement of exchange of cultural goods and services
- b. Exchange of information and dialogue on cultural and audiovisual matters
- c. Better conditions for the entry into and temporary stay in the territories of the EU or the Cariforum for a period up to 90 days in any 12-month period for artists (non-commercial activities). The following artists are included:
  - artists, actors, technicians and other cultural professionals and practitioners involved in the shooting of cinematographic films or television programmes, or
  - artists and other cultural professionals and practitioners such as visual, plastic and performing artists and instructors, composers, authors, providers of entertainment services and other similar professionals and practitioners involved in cultural activities such as the recording of music or contributing an active part to cultural events such as literary fairs, festivals, among other activities”
- d. Technical assistance for cultural cooperation
  - opportunities for public-private collaboration for training, exchange of information, expertise and experiences, transfer of technology and know-how<sup>61</sup>.

<sup>57</sup> Article 1 of the Protocol

<sup>58</sup> Caribbean Regional Negotiating Machinery, Provisions on the Cultural Sector in the CARIFORUM-EU EPA, July 2008, p. 5.

<sup>59</sup> Article 1(n)(i) of Directive 89/552/EEC for the purposes of the requirements for the promotion of audiovisual works as provided for by Articles 3i(1) and 4(1) of that Directive.

<sup>60</sup> Interview with Valérie Panis, Head of Sector, Culture, Legal Affairs, Trade, development and UNESCO, DG Education and Culture, European Commission, 10 June 2011.

<sup>61</sup> International Trade Centre, EC-CARIFORUM Economic Partnership Agreement: Services and Investment Commitments, Geneva: ITC, 2009, chapter 1, p. 98.

## Sectoral Provisions:

### a. Audiovisual cooperation

- Negotiation and implementation of bilateral co-production agreements between one or several Member States of the EU and one or several Cariforum countries. It is important to note here that the bilateral co-production agreements will give Cariforum producers access to national film funding. The Protocol as such does not give Caribbean producers access to EU or national film funds<sup>62</sup>, this is only possible if a bilateral co-production has been signed.
- Access of co-productions to the EU market. If the Caribbean partner funds at least 20% and the European partner a maximum of 80% of the total budget, a co-production can enter the European market as a “European work”. This is in line with the criteria set in the Audiovisual Media Services Directive<sup>63</sup>. The qualification of “European work” will allow the Cariforum-EU Member State co-production to benefit from the television broadcasting quotas set in the AVMS Directive. The co-productions will also benefit from the existing preferential schemes for the promotion of local or regional content. If the Cariforum countries develop such schemes as well in the future, they will be extended to these co-produced audiovisual works.
- Commitment to use international and regional standards to ensure compatibility of audiovisual technologies.
- Rental and leasing of technical material and equipment to create and record audiovisual works.
- Digitalisation of audiovisual archives.
- Promotion of locations and the temporary importation of technical material and equipment for shooting of films and television programmes.

In principle the Protocol will make it easier for Cariforum audiovisual producers to enter the EU market as a co-produced work. An analysis of the data in the LUMIERE database carried out by the European Audiovisual Observatory showed the growing importance of films from third countries on EU markets. For some regions (in particular Latin America and Africa), co-productions with EU Member States are a positive factor in facilitating access to EU markets<sup>64</sup>. 54% of Latin American films that made their way into the European market are co-productions with EU Member States. Films co-produced between third countries and EU countries are more successful than those that have not been co-produced<sup>65</sup>.

Some critics in the Cariforum countries are however still of the opinion that the percentage of the budget to be financed by Cariforum individuals or producers to qualify as a “European work”, albeit theoretically reasonable, is in practice very difficult for them to meet<sup>66</sup>. Thus, this makes it difficult for Caribbean co-productions to enter the EU market.

### b. Performing Arts

- Professional exchanges, training, auditions, networks
- Joint productions
- Development of international theatre technology standards

### c. Publications

- Exchange and dissemination of publications (fairs, seminars and literary events)
- Co-publishing and translation
- Exchanges and training for librarians, writers, translators, booksellers and publishers

<sup>62</sup> Interview with Cécile Despringre, Executive Director, Society of Audiovisual Authors, 3 February 2011.

<sup>63</sup> Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, OJ 332, 18.12.2007.

<sup>64</sup> Martin Kanzler and André Lange, The place of third country film and audiovisual works in European markets, European Audiovisual Observatory, June 2008, p.3.

<sup>65</sup> Martin Kanzler and André Lange, The place of third country film and audiovisual works in European markets, European Audiovisual Observatory, June 2008, p.7.

<sup>66</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

**d. Protection of sites and historic monuments**

- Exchange of expertise and best practices
- Increase the awareness on the need to protect historic moments (including legislation)

### 3.3. Summary of the main benefits of the market access provisions for entertainment services and the protocol on Culture Cooperation

- It is first time EU makes market access commitments on commercial presence and temporary presence of natural persons for business purpose for entertainment services in a trade agreement. The activities liberalised include the whole range of artists and cultural practitioners in music, dance, theatre, visual arts, as well as sculptors, authors, and poets<sup>67</sup>.
- A Caribbean artist or entertainer can now enter the EU countries to provide a service as a contractual service supplier for a period of six months. They can also work in Europe for a period of time (up to three years) if their company has commercial presence in Europe.
- The temporary entry regime for contractual service suppliers will no longer depend on the discretionary rules of a number of individual Member States, but they will be in line with the requirements set by the EPA. The provisions in the EPA impose minimum rules and Member States having a more open and comprehensive framework will be allowed to maintain it<sup>68</sup>.
- In practice, these market access provisions offer some level of preferential treatment for the Cariforum countries, since only a few EU Member States have made commitments for the temporary movement of suppliers in entertainment services in the WTO<sup>69</sup>.
- Since the provisions are also governed by the general provisions of the EPA, Cariforum countries will be able to use the dispute resolution procedures if their artists or cultural practitioners are denied access to the European markets.
- The Protocol for Cultural Cooperation sets a framework of cooperation to improve the conditions for exchanges of cultural activities, goods and services. It sets better conditions for the entry into and the temporary stay in the EU or the Cariforum for a period up to 90 days in any 12-month period for artists carrying out non-commercial activities.
- The Protocol establishes provisions for co-produced works to enter the European market as a “European work” in accordance with the EU Audiovisual Media Services Directive and benefit for the European broadcasting quotas. The Caribbean partner needs to funds at least 20% and the European partner a maximum of 80% of the total film budget.
- The Protocol includes provisions to facilitate technical assistance to Cariforum countries by providing new opportunities for: training, exchange of information, expertise and experiences, and transfer of technology and know-how.
- The Protocol also encourages cooperation in other cultural sectors, such as performing arts, publications and protection of sites and historic monuments.
- The main drawback of the Protocol is that it does not foresee any financial commitments for its implementation by the European Union or its Member States and that in general its provisions are merely a set of best endeavours.

<sup>67</sup> Information provided by Eva Oskam, Senior Policy Advisor, Trade Policy & Globalisation Department, Ministry of Economic Affairs, Agriculture and Innovation of the Netherlands, 7 March 2011.

<sup>68</sup> Interview with Alicia Pindado, Head of Unit, Trade on International Services, Secretary of State for Trade, 1 February 2011.

<sup>69</sup> Caribbean Regional Negotiating Machinery, Getting to Know the EPA: Provisions on Services and Investment, 2008, p. 5.

## 4. Overview of the measures and programmes to implement the cultural provisions of the EPA

On 14 February 2011 MEP David Martin, Chairman of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee asked the European Commission what steps have been taken by the Commission and Member States to implement cultural provisions of the EPA. He also asked if the Commission was preparing new programmes or strategies to meet its obligations under the protocol

EU Trade Commissioner, Karel De Gucht, replied on 10 May 2011 among others that in the coming months, the Commission would submit a first proposal to its Cariforum partners on monitoring the EPA's application and impact, and will discuss it with them. Such monitoring would cover market access, including for entertainment services. As for the Protocol on Cultural Cooperation, the Commission was working in several ways to implement it. (EP question and EC reply are available in Annex II of the study).

### 4.1. General implementation measures

The first step towards the implementation of the EPA is to get its main institutions up and running. Four main institutions are foreseen by the Cariforum-EU EPA: A Joint Cariforum-EC Council; a Trade and Development Committee; a Parliamentary Committee and a Consultative Committee.

#### 4.1.1. Joint Council

The Joint Council is a Ministerial body which will meet regularly, at least every two years, in order to oversee the implementation of the Agreement. The Council has the power to take decisions in respect of all matters covered by the Agreement. It comprises the 15 Caribbean States signatory to the Agreement, the 27 EU Member States and one or more members of the Commission. The chair of the Council alternates between the Cariforum and the EU. The first meeting of the Council took place in May 2010<sup>70</sup>.

#### 4.1.2. Trade and Development Committee

The Trade and Development Committee is the main subsidiary body to the Joint Council composed of senior official representing the Parties and meeting at least once a year. The Committee is tasked with the administration of the EPA and should ensure the attainment of its objectives. It may decide to set-up sub-committees. The functions of the Committee include monitoring and reviewing the implementation of development cooperation provisions embedded in the EPA text and making recommendations on further trade-related cooperation supportive of the objectives of the Agreement. The Committee is tasked with monitoring the Agreement in terms of development as well as trade challenges and outcomes<sup>71</sup>.

The first meeting of this Council was planned for March 2011 but it has now been convened for 9 and 10 June 2011. This initial meeting is required under the EPA to receive specific information from Cariforum States.

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<sup>70</sup> European Commission, DG Trade, Information Paper Cariforum-EU Economic Partnership Agreement, An Overview, July 2008, p. 23.

<sup>71</sup> European Commission, DG Trade, Information Paper Cariforum-EU Economic Partnership Agreement, An Overview, July 2008, p. 23.

Officials of the European Commission mentioned that the implementation of the Protocol on Cultural Cooperation was a point of the agenda of the Trade and Development Committee<sup>72</sup>.

#### 4.1.3. Parliamentary Committee

The Parliamentary Committee brings together Members of European Parliament and ACP Parliaments. It is to meet at regular intervals. Its main task is to monitor the application and management of this commercial agreement. The Parliamentary Committee shall cooperate with the Joint Parliamentary Assembly provided for in Article 17 of the Cotonou Agreement, and be able to request of the Joint Cariforum-EU Council specific relevant information regarding the implementation of the Agreement and make recommendations to the same Council, as well as to the Cariforum-EU Trade and Development Committee<sup>73</sup>.

The first meeting of the committee is planned for the 15-16th of June 2011. Out of the 15 members of the EP delegation, nine members are from the Committee on International Trade and six from the Committee on Development<sup>74</sup>.

#### 4.1.4. Consultative Committee

Stakeholders are represented in the Consultative Committee. It may make recommendations to the Joint Council and Trade and Development Committee to help ensure effective monitoring of the EPA on the basis of a broad participation of the stakeholders. The process of appointing EU appointees is almost finished but the nomination of Cariforum appointees is lagging behind.

The European Economic and Social Committee will launch a call of expression of interest for stakeholders to participate. However, to start the selection procedure a decision of the Joint EU-ACP Council needs to be issued in accordance with Article 282 of the EPA.

From the EU side, the members come from the European employers' organizations (Business Europe, Eurochambers etc.) and European Trade Unions<sup>75</sup>.

From the Caribbean side, the social and economic partners, SMEs, and the CPDC think tank (Caribbean Policy Development Centre)<sup>76</sup>.

For the time being there are no Special Committees. The EC suggested setting up one for Haiti but it is awaiting a reply from the Caricom secretariat<sup>77</sup>.

As for the measures that need to be taken to implement the cultural provisions of EPA, DG Education and Culture has indicated that the EC was considering the possibility to set up an implementing body for the Protocol. Such body would be composed of representatives of the Caricom Secretariat, DG Trade, DG Information Society and DG Education and Culture of the European Commission. It would take the form of a task force or an implementing committee<sup>78</sup>.

<sup>72</sup> Interview with Sana Ouatchi, DG Education and Culture, European Commission 18 February 2011.

<sup>73</sup> European Commission, DG Trade, Information Paper Cariforum-EU Economic Partnership Agreement, An Overview, July 2008, p. 23.

<sup>74</sup> EU-Cariforum delegation meeting at the European Parliament, 12 April 2011.

<sup>75</sup> Interview with Tzonka Iotzova, EESC, 8<sup>th</sup> March 2011.

<sup>76</sup> <http://www.cpdngo.org/>

<sup>77</sup> Interview with Alexander Walford, Implementation of Cariforum-EU EPA, Directorate General for Trade, European Commission, 27<sup>th</sup> April 2011.

<sup>78</sup> Interview with Sana Ouatchi, DG Education and Culture, European Commission 18 February 2011.

## 4.2. Other EU Events

The European Commission organised a seminar on 4 and 5 of April 2011 for the private sector in Trinidad & Tobago called “Cariforum-EU EPA: How your business can benefit - seminar for Caribbean and EU companies”.

The seminar was intended to help Caribbean businesses take advantage of the opportunities in the EPA. It included a workshop on “culture and the arts, drawing on Caribbean global reach”<sup>79</sup>. Among the participants there were companies working in film and animation, fashion and carnival arts.

The group mentioned the need for the EU to further sensitise its own officials in the region and Europe about the EPA’s entertainment and arts provisions, and to make it easier for people working in the sector to travel to the EU on business.

The group also recommended that the region establish a pan-Caribbean Trade Association for the creative industries to ensure that policy making and planning would better reflect the needs of the sector and promote and support creative businesses, especially SMEs. They also proposed the launch of an online Entertainment and Arts Industry Portal offering a directory of creative people, associations, agencies, simple access to market data and e-commerce support for SMEs. In addition they called for the organisation of a Caribbean Arts & Entertainment Convention (for which plans are already in place), where Caribbean events and festival organisers, venues, arts organisations and individual creative people could promote their products and services in person to their counterparts from the EU<sup>80</sup>.

Finally, the group recommended that EU should urgently review the Schengen visa requirements and that it should facilitate multiple entry visas for regular business visitors<sup>81</sup>.

The EC would like to hold a similar business seminar in Haiti. Jamaica also asked for a similar seminar before the end of the year<sup>82</sup>.

The EU Delegations also have a role in contributing to the implementation of the EPA. They act, as well as they do for all other European policies, as a link between local stakeholders (Government, business world, civil society, etc.) and the European External Action Service of the European Commission.

The EU Delegation to Trinidad & Tobago declared that they had organised ad hoc meetings with stakeholders, including from the cultural sector, to inform of the EPA. The regional seminar held in April was only one of the events they were organising<sup>83</sup>.

## 4.3. EU programmes that could help implement the cultural provisions of the EPA

The EU and its Member States are required to put in place financial mechanisms to meet their commitments embodied in the EPA provisions.

<sup>79</sup> Interview with Tzonka Iotzova, EESC, 8<sup>th</sup> March 2011.

<sup>80</sup> Information provided by Alexander Walford, Implementation of Cariforum-EU EPA, Directorate General for Trade, European Commission, 27<sup>th</sup> April 2011.

<sup>81</sup> Further information is available at <http://trade.ec.europa.eu/doclib/press/index.cfm?id=701&serie=417&langId=en>

<sup>82</sup> Interview with Alexander Walford, Implementation of Cariforum-EU EPA, Directorate General for Trade, European Commission, 15<sup>th</sup> February 2011.

<sup>83</sup> Information provided by Kathrin Renner Delegation of the European Union to Trinidad & Tobago, 27 April, 2011.



One of the ways to implement the EPA is by addressing its development dimension – as put by DG Trade of the European Commission in this context: “*using enhanced development cooperation to support the implementation of the agreement, including financial cooperation from the European Development Fund and EU Member States*”<sup>84</sup>.

The EPA includes a Joint Declaration on development co-operation. It makes reference to the need to increase the means and provide assistance to implement the agreement<sup>85</sup>. Some of the commitments laid down in this Declaration can be relevant for the cultural sector:

- The Funds allocated to the Caribbean Regional Indicative Programme (CRIP) in the 10th EDF are to be complemented by “Aid for Trade” contributions of the EU Member States.

Member States confirm their intention to ensure that an equitable share of Member States' Aid for Trade commitments will benefit the Caribbean ACP States, including for funding programmes related to the implementation of this Agreement.

- The EC and the Member States of the EU will consider the necessary arrangements with the CARICOM Development Fund, once established, with a view to providing to the Fund resources to support the execution of programmes related to the implementation of the Agreement.
- Addressing Cariforum's most immediate development cooperation priorities, related to the implementation of the Agreement, would be accorded high priority in the programming of resources, notably, those made available under the 10th EDF.

It should be noted that although the EPA indicates that there is a need to support the implementation of its provisions, it does not specify how this will be done financially or technically<sup>86</sup>. The EPA itself contains no financial commitments either to provide new funds or to earmark existing ones.

Some Cariforum countries have expressed their concern that the market access provisions provided in the EPA cannot materialise if developing countries are unable, due to their lack of capacity or inappropriate standards, to take advantage of the provisions. Therefore, they called for financing means to strengthen their capacity or enhance their standards, thus allowing them to be able to access the EU markets<sup>87</sup>.

The Protocol on Cultural Cooperation does not contain any provisions ensuring a financial envelope for its implementation. The European Commission has also not made any specific funds available to promote cooperation between the EU and Cariforum cultural sectors.

When implementing the Protocol on Cultural Cooperation, one needs to look at the existing programmes of the EU and its Member States. This is at the moment the only way to give life to the Protocol by linking it to the current national programmes of the EU Member States and the programmes of the European Commission<sup>88</sup>.

The European Commission has several funding programmes that could be used to put some of the cultural provision of EPA into practice, despite the fact that they have not specifically been designed to assist the implementation of the EPA.

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<sup>84</sup> European Commission, DG Trade, Information Paper Cariforum-EU Economic Partnership Agreement, An Overview, July 2008, p. 2.

<sup>85</sup> Economic Partnership Agreement, Cariforum and the EC and its Members States, Joint Declaration on Development Cooperation, EPA, 2008, p. 1953.

<sup>86</sup> European Parliament, The Cariforum-EU Economic Partnership Agreement: The Development Component, 2009, p. 13.

<sup>87</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

<sup>88</sup> Interview with Cécile Despringre, Executive Director, Society of Audiovisual Authors.

Below a summary is given of the main EU funding programmes that could be used (see also the Chart in Annex IV).

#### **4.3.1. Cooperation programmes with ACP countries under 10<sup>th</sup> EDF**

Created in 1957 by the Treaty of Rome, and first launched in 1959, the European Development Fund (EDF) is the main instrument for providing Community development aid to the African, Caribbean and Pacific (ACP) countries and the overseas countries and territories (OCTs). The EDF supports actions in the ACP countries and the OCTs in key areas for cooperation such as: economic development, social and human development, regional cooperation, and integration.

The EC and its Member States have a strong mandate to support culture in ACP<sup>89</sup> countries under Article 27 of the Cotonou Partnership Agreement, which created a comprehensive framework for cultural cooperation<sup>90</sup>, ranging from the mainstreaming of culture in development activities to the promotion of intercultural dialogue, the preservation of cultural heritage, support to cultural industries and improved access to European markets for ACP cultural goods and services.

Currently, the EC is running the 10<sup>th</sup> EDF for the period 2008-2013. It has an overall budget of 22.682 million Euros to finance external cooperation with the ACP countries. Under this programme, cooperation is implemented through national, regional or “all ACP” programmes<sup>91</sup>.

Following discussions with officials of the European Commission it is clear that there is linkage between the use of the existing funds and the implementation of the EPA. Both depend on the political will of Cariforum countries, EU Member States and the European Commission.

We will analyse below what are the financial possibilities for the cultural sector in the Cariforum countries under the national, regional or wider ACP programmes of the EDF.

##### a) National Indicative programmes

All Cariforum countries have elaborated a national indicative programme which set out the sectors for intervention from the EDF. They are drafted in line with the priorities of each beneficiary country and their political dialogue with the EU<sup>92</sup>.

Officials of DG Trade of the European Commission interviewed indicated that most of the Cariforum countries have not chosen the cultural sector or the creative industries as one of the priority sectors of their National Indicative Programmes. Also only a few countries have chosen economic growth related programmes. This is probably due to the fact that traditionally funds for development cooperation go to budget support, social sectors or infrastructure. Support to the private sector tends to be limited<sup>93</sup>.

There are however some examples of countries which placed the cultural sector in their National Indicative Programmes. Haiti decided to allocate 3.7 M Euro to a project under the “non focal” sector category:

<sup>89</sup> Final Report Culture as a Vector for Economic and Social Development, November 2009, p.66.

<sup>90</sup> Cultural Cooperation with ACP countries : <http://www.acpcultures.eu/?lang=uk&page=accueil>

<sup>91</sup> Final Report Culture as a Vector for Economic and Social Development, European Commission, November 2009, p. 60.

<sup>92</sup> Final Report Culture as a Vector for Economic and Social Development, European Commission, November 2009, p. 62.

<sup>93</sup> Interview with Ben Nupnau, Directorate General for Trade, European Commission, 10 of March 2011.

“Support to Strengthening Culture and the Arts for Economic and Social Development” (*Appui au Renforcement de la Culture et de l’Art pour le Développement Economique et Social*, ARCADES<sup>94</sup>).

Jamaica also earmarked some resources within its National Indicative Programme for the entertainment sector, more specifically for the music sector. These resources were part of the approximately 2.2 million Euros envelope earmarked to support the overall implementation of the EPA<sup>95</sup>. The initial amount for the EPA was higher, but it was decided that more resources have to be allocated to other priorities under the NIP<sup>96</sup>.

A number of government officials of the Cariforum countries have indicated that some countries may prefer to rely on the Caribbean Regional Indicative Programme to fund programmes for the cultural industries instead of earmarking funds within their National Indicative Programmes<sup>97</sup>.

In some countries the EDF financed some small festivals even if culture was not included among the intervention sectors. An example was “Black all Colour Festival”<sup>98</sup>.

#### b) Caribbean Regional Indicative Programme

The Regional Strategy Paper and Regional Indicative Programme EU-Caribbean for 2008-2013<sup>99</sup>, set the main priorities for cooperation between both regions and the areas on which the support of the EU would be concentrated. This Indicative Programme allocated 165 million Euros to the Caribbean Region.

Officials of DG Trade mentioned that most governments of the Cariforum have indicated that they would be relying on these regional programmes to implement the Cariforum-EU EPA.

The focal area of the programme was the regional economic integration of the Cariforum countries for which a total of 143 million Euros have been allocated. The major interventions envisaged are the:

- Regional Private Sector Development Programme
- Support to OECS Integration
- Consolidation of CSME
- Support to EPA Implementation
- Binational Programme Haiti-Dominican Republic.

So far only the “Regional Private Sector Development Programme” is operational, with a budget of 28 million Euros. The other programmes will be decided by the end of 2011. Some of the objectives of the “Regional Private Sector Development Programme” are the enhancement of competitiveness and the promotion of trade and export among Cariforum States. It is important to highlight here that one of the components of this programme is to strengthen “high potential niche sectors identified by the region to benefit from the EPA provisions”, among which the fashion and creative industries are included<sup>100</sup>.

In addition, some of the other programmes have been identified as useful for the Cariforum cultural sector, covering not only private sector support but also measures for policy support.

Opportunities are identified for the cultural sector under the “Support to OECS Integration” programme, for which around 8,6 million Euros will be allocated. Among its components there are the improvement of community participation and linkages with cultural industries.

<sup>94</sup> Information provided by Caroline Adriaensen, DG for Development and Cooperation – EuropeAid, International Aid and Cooperation Officer, Haiti, Dominican Republic, 27<sup>th</sup> March 2011.

<sup>95</sup> Interview with Symone Betton, Minister Counsellor, Jamaican Embassy, 29 April 2011.

<sup>96</sup> Interview with Giorgio Ficarelli, Head of Cultural Section, DG Development, European Commission, 16 March 2011.

<sup>97</sup> Interview with Symone Betton, Minister Counsellor, Jamaican Embassy, 29 April 2011.

<sup>98</sup> Final report Culture as a Vector for Economic and Social Development, European Commission, November 2009, p. 63.

<sup>99</sup> Regional Strategy Paper and Regional Indicative Programme EU-Caribbean for 2008-2013, 2008.

<sup>100</sup> Interview with Interview with Ben Nupnau, Directorate General for Trade, European Commission, 10 March 2011.

The Programme “Support to EPA Implementation”, for which around 47 million Euros will be allocated, sets the development of the services sector as one of its priority. The cultural sector could be developed under this programme<sup>101</sup>.

Finally, the “Binational Programme of the Haiti-Dominican Republic” could also be useful to support the cultural sector, for example, under its component “Support to local authorities and civil society through a system of public grants”.

As a source of inspiration, the Caribbean region could also have a look at the Regional Indicative Programmes of other ACP countries, which have selected culture sector among their priorities. This is the case for the Regional Indicative Programme for West Africa for the period 2002-2007 under the 9<sup>th</sup> EDF, where one of the principal orientations was to “enhance the value of knowledge through experience sharing, networking in the cultural area”<sup>102</sup>.

### c) ACP-EU Cultural Fund/Programme

The EDF provides specific support to ACP countries in the field of culture. The ACP-EU Cultural Fund/Programme is now part of the 10<sup>th</sup> EDF and a follow-up of 9<sup>th</sup> EDF programme for culture. It is aimed at supporting:

- the creation and production of cultural goods and services in the ACP States in an interregional context;
- better access to local, regional, intra-ACP, European and international markets for ACP cultural goods and services; and
- the strengthening of the capacities of cultural stakeholders, operators and entrepreneurs in ACP States.

The ACP-EU Cultural Fund/Programme has a budget of 30 million Euros, a significant increase from its previous budget under the 9<sup>th</sup> EDF. It builds on existing programmes of the 9<sup>th</sup> EDF, such as the support programmes for the cinema and audiovisual sector, the cultural industries sector and festivals. It is run by the ACP Secretariat in Brussels.

On 28 February 2011 the call for proposals for “ACP Cultures+” was launched by the ACP Secretariat and it will be open until 30 June 2011<sup>103</sup>. It covers two lots. Lot 1 deals with ACP Films II programme and covers the cinema and audiovisual sector. It has a budget of 7 million Euros. Lot 2 covers ACP Cultures II programme and deals with all cultural sectors other than the cinema and audiovisual sector. It has a budget of 5 million Euros.

The specific objectives of this ACP Culture+ call are:

- support to the production and distribution of ACP cultural goods;
- improvement of the policy and regulatory environment for culture;
- strengthening of the capacity of institutions in the ACP countries to implement the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- set up of an ACP-EU Cultural Programme/Fund in the context of the EU-ACP partnership.

<sup>101</sup> Interview with Interview with Ben Nupnau, Directorate General for Trade, European Commission, 10 March 2011.

<sup>102</sup> Final Report Culture as a Vector for Economic and Social Development, European Commission, November 2009, p. 65.

<sup>103</sup> Call for proposals ACP Culture II + ACP Films II: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderby=upd&orderbyad=Desc&searchtype=RS&aofr=130966>

It is important to mention here that one of the priorities of this call will be to develop actions that specifically focus on partnerships with the Caribbean. This was due to their geographical situation<sup>104</sup> and the fact the projects from these regions had not been well represented in previous calls of the ACP Secretariat and the European Commission.

Some Cariforum countries did however benefit from support under the previous ACP Cultures and ACP Films programmes launched in 2008 under the 9<sup>th</sup> EDF.

Out of the six projects funded under ACP Culture programme, three involved the Caribbean region and included two organisations<sup>105</sup> from the Cariforum countries.

One focused on the music sector and was a project to establish an ACP/EU network for exchanging expertise at national, regional and international levels. The participating organisations came from Jamaica, African and Pacific countries and several EU countries (Germany, France and Belgium).

Another project targeted the visual arts sector. The “Trans” project was described as a “trans-continental, trans-sectoral, trans-cultural project to support events held in each of the participating ACP countries. The participant organisation from the Cariforum was the *Fondation AfricAmérica* from Haiti.

The third project “*Rose des vents numérique*” spread Numerical Art in Africa/Caribbean. The member from the Caribbean region was the French region Martinique.

Other projects were also funded under ACP Film programme. Trinidad & Tobago collaborated with the UK and Zambia to develop an exchange and networking project. Film festivals organisers of each these three countries, (BFM XCEL LTD<sup>106</sup> in the UK, Trinidad & Tobago Film Festival and Vilole Image Production Ltd in Zambia), worked together to enable their filmmakers to promote local films at national and international levels.

The ACP Films funding was also used to facilitate a networking exchange programme between filmmakers of the UK, Trinidad and Tobago and Jamaica during 11th Black Filmmaker International Film Festival (IFF) in London<sup>107</sup>. This project made it possible to bring a delegation of Caribbean filmmakers to the UK and vice versa. During the overseas trips filmmakers had the opportunity to exhibit their work; take part panel discussions, seminars, and master classes; get media coverage<sup>108</sup>.

Also two projects were selected to support professional development and training under ACP Film: 1) The Caribbean Travelling Film School<sup>109</sup>, which gave training to cinema and audiovisual professionals in each territory (with a special emphasis on their regional characters). The project promoter was “The Israel Lovell Foundation”, from Barbados. The partners were WGC Future Image Ltd. in Barbados and Caribbeing Inc. in Trinidad & Tobago. 2) The Advanced Technical Training for Cinema and Audiovisual Professionals in Jamaica and the rest of the Caribbean. The project promoter was the Creative Production and Training Centre Ltd. in Jamaica and the partners were the Caribbean Broadcasting Union, Jamaica Trade and Invest and the London Film School.

<sup>104</sup> Infoday ACP Films, Call for Proposals ACPCultures II + ACPFilms II, 23 March 2011.

<sup>105</sup> [http://www.acpcultures.eu/?page=focus\\_projets&lang=uk](http://www.acpcultures.eu/?page=focus_projets&lang=uk)

<sup>106</sup> [http://www.bfmmedia.com/index.php?option=com\\_content&task=view&id=168&Itemid=198](http://www.bfmmedia.com/index.php?option=com_content&task=view&id=168&Itemid=198)

<sup>107</sup> <http://www.bfmmedia.com/festival/acp-about.html>

<sup>108</sup> Interview with Isabel Davis, UK Film Council, 3 May 2011.

<sup>109</sup> [http://caribbeantravellingfilmschool.com/?page\\_id=2](http://caribbeantravellingfilmschool.com/?page_id=2)

Finally the ACP Film Secretariat provides legal assistance service to help ACP film professionals with the legal and contractual aspects of their businesses. They provide online services, such as a practical guide with models of production and distribution contracts and legal training sessions<sup>110</sup>.

#### d) Other intra-ACP Programmes

The EU provides additional trade-related support to the Cariforum countries through the ACPTTrade.com<sup>111</sup> and the ACP Business Climate Facility (BizClim)<sup>112</sup> programmes, which are “all ACP programmes for institutional trade capacity building”<sup>113</sup>. Trade.com will run until the end 2012 and BizClim 2 until 2013.

The EC approved a budget of 50 million Euros in August 2003 for the ACP Trade.Com Programme. This programme aims to reinforce the analytical and research capacity for trade policy formulation by providing immediate assistance for ongoing negotiations and promoting activities for institutional support in the area of trade support services to ACP counties. A specific project for the Caribbean region was initiated in 2004. Under this project, the CARICOM Secretariat benefited from the services of a trade adviser<sup>114</sup>.

The ACP Business Climate Facility (BizClim) financed the project “Establishment of the Cariforum-EU Business Forum” in 2008. As part of the project, a study tour to Europe was organised for a group of firms and institutions from Cariforum countries from the audiovisual sector. The group met in Brussels and Madrid with different institutions, organisations and representatives of the European audiovisual sector, notably producers and distributors. It served to establish contacts between the audiovisual sector of the Cariforum countries and the EU countries and to identify potential business opportunities<sup>115</sup>.

The first Cariforum-EU Business Forum was held on 24-25 November 2008 in Barbados. The conclusions on the audiovisual sector stated that the Cariforum countries could have great opportunities in the audiovisual sector, but they first needed to overcome a number of weaknesses. Some of the weaknesses identified by the Forum were: lack of capacity building and training, the small size of their cultural industries, poor cooperation between the industry and governments, limited government incentives and poor marketing capacity inside and outside the region<sup>116</sup>.

The Services Coalitions in the Cariforum countries have a particularly important role to play in helping the cultural sector benefit from these programmes. They could help the Cariforum cultural sector raise its profile in Europe and increase their capacity to apply for EU funding.<sup>117</sup>

### **4.3.2. Cultural Cooperation under Thematic Programmes of the European Commission**

The Development Co-operation Instrument (DCI) was launched in January 2007 for Latin America, Asia and South Africa (DCI). It replaces a wide range of geographic and thematic instruments created over time. Its thematic programmes address all developing countries and support actions in several fields. The most relevant for the cultural sector in the Cariforum countries are the “Investing in People” and “Non-State

<sup>110</sup> <http://www.acpfilms.eu/htdocs/modules/smartsection/index.php/?lang=english>

<sup>111</sup> <http://www.tradecom-acpeu.org/>

<sup>112</sup> <http://www.acpbusinessclimate.org/BizClim/>

<sup>113</sup> Regional Strategy Paper and Regional Indicative Programme, p.28.

<sup>114</sup> Barbados Country Strategy Paper and National Indicative Programme 2008-2013, p.22.

<sup>115</sup> Information provided by Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

<sup>116</sup> Establishment of the EU-CARIFORUM Business Forum, Outcome of the 1st Forum held in Barbados on November 24-25th 2008, February 2009, p. 19-25.

<sup>117</sup> Interview with Ben Nupnau, Directorate General for Trade, European Commission, 10 of March 2011.

Actors and Local Authorities in Development” programmes. The DCI included culture in its Thematic Programme "Investing in People" for 2007 – 2013.

#### a) Investing in People

This is the main thematic instrument of the European Commission to support programmes in the area of human and social development. It complements the country programmes and is the corner stone for the implementation of the EC activities in this area. Driven by the ambition to help partner countries of the EU to achieve the Millennium Development Goals (MDGs), the programme supports activities under four main pillars: 1) good health for all, 2) education, knowledge and skills, 3) gender equality, and 4) other aspects of human and social development such as employment and social cohesion, children, youth and culture.

Under “Investing in People” programme, 50 million Euro was allocated to the culture strand under the heading "Access to local culture, protection and promotion of cultural diversity". This strand focuses on: 1) the development of policies that allow better access to and preservation of local culture, and 2) offering opportunities for cultural exchange and international cooperation between cultural industries and cultural actors as a way of allowing multicultural and multiethnic dialogues to improve mutual understanding and respect. In addition, it seeks to preserve local and indigenous cultures and values as a promising economic sector for development and growth.

A call for proposals was launched on 1 October 2010 under this programme: “Strengthening the capacities of the cultural sector”. It was specifically aimed at promoting access to local culture and protecting cultural diversity. It sought to support the following priorities: strengthening the local cultural capacity, promoting private/public partnerships, supporting intercultural dialogue, promoting South-South cooperation, supporting preservation of both material and immaterial cultural heritage, and supporting the establishment of networks and training<sup>118</sup>.

We were informed by DG Development of the European Commission that they had unfortunately not received many proposals for this call from the Cariforum countries. Hence the need for the ACP Culture+ call mentioned above to focus more of the Caribbean countries.

#### b) Non-State Actors and Local Authorities in Development<sup>119</sup>

The thematic programme “Non-state actors and local authorities in development” aims to encourage non-state actors and local authorities, both from the EU and the developing countries, to get more involved in development issues.

It co-finances initiatives proposed by civil society organisations and local authorities from the EC and its partner countries in the area of development. Non-state actors of the cultural sector might get support from this programme<sup>120</sup> but this would need to be investigated further.

<sup>118</sup> Call for proposals “Strengthening the capacities of the cultural sector”, Investing in People Programme, [https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1285945931576&do=publi\\_detPUB&searchtype=QS&orderby=upd&orderbyad=Desc&nbPubliList=15&page=1&aoref=129338](https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1285945931576&do=publi_detPUB&searchtype=QS&orderby=upd&orderbyad=Desc&nbPubliList=15&page=1&aoref=129338)

<sup>119</sup> [http://ec.europa.eu/europeaid/how/finance/dci/non\\_state\\_actors\\_en.htm](http://ec.europa.eu/europeaid/how/finance/dci/non_state_actors_en.htm)

<sup>120</sup> According to article 24.2 of Regulation (EC) n°1905/2006, the non-State, non-profit making actors eligible for financial support include "NGOs, organisations representing indigenous peoples, organisations representing national and/or ethnic minorities, local traders' associations and citizens' groups, cooperatives, trade unions, organisations representing economic and social interests, organisations fighting corruption and fraud and promoting good governance, civil rights organisations and organisations combating discrimination, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, **cultural**, research and scientific organisations, universities, churches and religious

### 4.3.3. Other European programmes<sup>121</sup>

#### a) Education

- Erasmus Mundus<sup>122</sup>

Erasmus Mundus is a co-operation and mobility programme in the field of higher education supporting top-quality European master's courses. It also provides EU-funded scholarships for third-country nationals participating in these master courses, as well as for EU-nationals studying at partner universities around the world.

It could be used by universities and higher education institutes of the Cariforum countries to provide courses on cultural related issues and stimulate exchange programmes between their students/artists and European studies/artists.

- Intra-ACP Mobility Scheme

The intra-ACP academic mobility scheme supports higher education cooperation between the countries of the ACP. The scheme aims to promote sustainable development and poverty alleviation by increasing the availability of trained and high level qualified professional manpower in the ACP countries.

Five annual calls for proposals have been planned (2010 -2014) with a total budget 45 million Euros and an annual budget of 9 million Euros. Lot 2 of these calls is focused on the Caribbean and Pacific countries and 2 million Euros has been allocated for 1 project (open to all fields of study)<sup>123</sup>.

Higher education institutions training people in the arts and culture are eligible. This programme grants mobility possibilities for students and administrative staff. The first call for proposals was open until the 6 of May 2011. The next call for proposals should be published by the end of 2011<sup>124</sup>.

#### b) Culture

First of all, it should be noted that the Culture programme does not fund the implementation of the Protocol on Cultural Cooperation. This programme is mainly addressed to EU countries.

However, it is open to collaboration with third countries which have partnership or cooperation agreements with the EC.

The EU Culture Programme was extended to the following third countries: India and China (2007-2009) Brazil (2008-2010) and Mexico (2011).

Officials of DG Education and Culture of the European Commission indicated that the Culture Programme could in the future be extended to the Cariforum countries<sup>125</sup>. This would only be possible after 2013 in its next budget. It was the general objective of the European Commission to open its Culture Programme more to third countries after 2013.

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associations and communities, the media and any non governmental associations and independent foundations, including independent political foundations, likely to contribute to the implementation of the objectives of this Regulation".

<sup>121</sup> [http://ec.europa.eu/europeaid/what/development-policies/intervention-areas/humandev/humandevculture\\_en.htm](http://ec.europa.eu/europeaid/what/development-policies/intervention-areas/humandev/humandevculture_en.htm)

<sup>122</sup> [http://eacea.ec.europa.eu/erasmus\\_mundus/index\\_en.php](http://eacea.ec.europa.eu/erasmus_mundus/index_en.php)

<sup>123</sup> [http://eacea.ec.europa.eu/intra\\_acp\\_mobility/index\\_en.php](http://eacea.ec.europa.eu/intra_acp_mobility/index_en.php)

<sup>124</sup> [http://eacea.ec.europa.eu/intra\\_acp\\_mobility/index\\_en.php](http://eacea.ec.europa.eu/intra_acp_mobility/index_en.php)

[http://eacea.ec.europa.eu/intra\\_acp\\_mobility/funding/2011/call\\_eacea\\_35\\_10\\_en.php](http://eacea.ec.europa.eu/intra_acp_mobility/funding/2011/call_eacea_35_10_en.php)

<sup>125</sup> Interview with Sana Ouatchi, DG Education and Culture, European Commission 18 February 2011.



c) Youth

The Youth in Action Programme<sup>126</sup> provides mobility projects and opportunities for young Europeans. It promotes the development of high quality national and local initiatives for young people. Cooperation with Cariforum countries is possible under the “Other Partner Countries of the World” component of the programme.

d) Audiovisual Services

The European Commission has extended its funding possibilities for the audiovisual sector to third countries. This was done in its “Media Mundus Programme”.<sup>127</sup>

First it developed the “MEDIA International Preparatory Action” to strengthen co-operation between the audiovisual industries of ‘third countries’ and EU Member States, and encourage reciprocal circulation of cinematographic works.

Out of this plan came the “MEDIA Mundus Programme”, which further strengthens co-operation between Europe and third countries in the audiovisual sector by promoting competitiveness of the sector and cultural diversity<sup>128</sup>. The MEDIA Mundus programme foresees 15 million Euros in funding for 2011-2013. It focuses on three actions: 1) continuous training; 2) distribution, commercialisation and promotion and, 3) building of networks among cinemas (to encourage dissemination of movies coming from other countries and vice versa).

The MEDIA Mundus programme can be used to help develop the audiovisual sector in Cariforum countries if its audiovisual professionals participate in the projects funded under this programme.

The programme does not as such provide specific aid for the development of the audiovisual sector of the Cariforum countries.

e) EU/UNESCO Expert Facility Programme<sup>129</sup>

The European Union and UNESCO launched their first joint technical assistance project to contribute to the implementation of the UNESCO Convention, the “Expert Facility to Strengthen the System of Governance for Culture in Developing Countries”. It aims to strengthen the governance for culture in developing countries and reinforce the role of culture as a vector for sustainable development and poverty reduction.

It covers technical assistance missions to be undertaken by specialists in cultural policies. The specialists are chosen from a pre-selected pool of experts. The assistance will be based on the needs and priorities identified by beneficiary countries through an application procedure. It will endeavour to support their efforts to:

- establish legal, regulatory and/or institutional frameworks to develop the culture sector in their country; and
- introduce policies that address the role of culture in social and economic development, particularly through the cultural industries.

The Call for Applications has two submission deadlines, 30 of April 2011 and 30 of June 2011.

<sup>126</sup> [http://eacea.ec.europa.eu/youth/programme/programme\\_guide\\_en.php](http://eacea.ec.europa.eu/youth/programme/programme_guide_en.php)

<sup>127</sup> [http://ec.europa.eu/information\\_society/media/prep\\_action/index\\_en.htm](http://ec.europa.eu/information_society/media/prep_action/index_en.htm)

<sup>128</sup> Commonwealth Foundation, The bigger picture: A Way Forward for Film in the Commonwealth, 2009, p. 25.

<sup>129</sup> <http://www.unesco.org/new/en/unesco/themes/2005-convention/operational-projects/governanceofculture/pool-of-experts/call-for-experts/>

Although this facility was not set up specifically to implement the Protocol on Cultural Cooperation of the EPA, it could be useful for some Cariforum countries to implement the “technical assistance” commitments embodied in the Protocol: facilitating training, exchange of information, expertise and experiences, counselling in elaboration of policies and legislation and transfer of technology and know-how.

## 5. Implementation of the cultural provisions of the EPA by EU Member States

In this chapter we will analyse the measures taken by the EU Member States to implement the cultural provisions of the EPA. A selection has been made of eight Member States. Most of these countries have historical, cultural and linguistic ties with the Cariforum countries: Belgium, Denmark, France, Germany, Italy, Netherlands, Spain and the United Kingdom.

As mentioned in chapter 3.2, the cultural provisions can be divided into two parts: 1) the market access provisions for the entertainment services, and 2) the Cultural Cooperation Protocol.

The EPA is binding on the EU Member States and they are obliged to comply with its provisions. A difference should however be noted between binding nature of its cultural provisions. The market access provisions for entertainment services are legally binding, but the Protocol on Cultural Cooperation is mainly a set of best endeavours (with one exception).

The EPA is being applied provisionally since 29 December 2008 (in accordance Article 243 of the EPA). A notice confirming provisional application was published in the EU's Official Journal on 31 December 2008<sup>130</sup>. This will be the case until all the 27 EU Member States and the 15 Cariforum countries have ratified the EPA. Ratification is still under way in many EU Member States and Cariforum states. The table below shows the state of ratification.

<b>Cariforum-EU EPA: status of ratification in Member States (as of 27 April 2011)</b>					
<i>Status</i>	<i>Party</i>				
	<i>Cariforum</i>			<i>EU</i>	
Have ratified EPA	Antigua and Barbuda Dominica Dominican Republic			Malta Slovakia Spain Sweden United Kingdom	
Still to ratify EPA	Bahamas Barbados Belize Grenada Guyana Haiti Jamaica	Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Suriname Trinidad and Tobago	Austria Belgium Bulgaria Cyprus Czech Republic Denmark Estonia Finland	France Germany Greece Hungary Ireland Italy Latvia Lithuania	Luxembourg Netherlands Poland Portugal Romania Slovenia

Source: Table provided by officials of DG Trade

<sup>130</sup> Notice concerning the provisional application of the Cariforum-EC Economic Partnership Agreement, OJ L 352, 31.12.2008.

## 5.1. Implementation of market access provisions

The market access commitments for entertainment services made by the EU Member States are directly applicable. Member States do not need to take any specific measure to implement these provisions.

In the sections below we will assess how the Cariforum-EU EPA market access provisions apply in the EU Member States. We will first look at the short term visa requirements that are applicable in the Schengen countries of the EU. This will be followed by an outline per Member State of their market access commitments for entertainment services and their limitations (such as economic needs tests; qualification assessments, and if applicable, more information on specific visa regulations).

### 5.1.1. Short Term Visas in Schengen Countries of EU

The principal mode of delivery of cultural services by Cariforum countries is the movement of natural persons, e.g. live performances. Visa policy plays here an important role in enabling Cariforum entertainment professionals to have access to the European market, in particular short term visas.

Short term visa requirements are not only relevant for the providers of entertainment services, but apply to the Cariforum cultural practitioners that want to enter the EU for non commercial purposes.

Short stay visas ("Schengen visas") apply to all EU Member States except the United Kingdom and Ireland, as they are not signatories to the Schengen Agreement for visas. Since December 2008 visa holders can also travel to Switzerland.

The Schengen visa allows the bearer to enter the territory of the Schengen countries for a maximum stay of 90 days in a six-month period.<sup>131</sup> The visa may be issued for one or more entries.

According to officials of the European Commission, the EU has already made it easier for people coming from the Caribbean countries, including those working in the arts and entertainment industries, to travel to the EU on business. Firstly, the EU has simplified the mechanics of applying for a Schengen visa. The new rules on issuing such visas (Regulation (EC) 810/2009) came into force in April 2010.

For example, some people known to the consulates of the EU Member States in some Cariforum countries for their integrity and reliability may now be exempted from personal appearance or presentation of certain documents. Consulates may also waive or reduce the visa fee when the visit in question serves certain interests, such as cultural and sporting events<sup>132</sup>.

The EU has also taken note of the request of a number of Caribbean countries to waive the EU's visa requirements altogether. In 2006 the EU amended Regulation (EC) No 539/2001 and since 28 May of 2009, Antigua and Barbuda, the Bahamas, Barbados and Saint Kitts and Nevis have a visa waiver for the EU Schengen countries of the EU for short stays<sup>133</sup>. The visa waiver started to apply provisionally from the date of signature of the visa waiver agreements concluded between the EU and these Cariforum countries. The European Commission has indicated that in the next periodical revision of the visa lists of the EU Regulation in the autumn of 2011 new countries of the Cariforum could be granted a visa waiver. The

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<sup>131</sup> Note that the visa's length varies according to the length of the event for which it is delivered (i.e. for a 1-week cultural event, the visa's length will be fixed accordingly).

<sup>132</sup> As stated in the workshop on arts and entertainment held in the framework of the Cariforum-EU Business Seminar in Trinidad & Tobago on 4 and 5 April.

<sup>133</sup> [http://www.kingston.diplo.de/Vertretung/kingston/en/04/Visabestimmungen/\\_Visabestimmungen.html](http://www.kingston.diplo.de/Vertretung/kingston/en/04/Visabestimmungen/_Visabestimmungen.html)

Commission will adopt a proposal and discussions in the Council and the EP would follow afterwards)<sup>134</sup>. Trinidad & Tobago, Grenade, Saint Vincent, Saint Lucia and Belize<sup>135</sup> have submitted a request for a visa waiver.

The visa waiver should make it easier for Caribbean business people of every sector to make full use of the EPA<sup>136</sup>. The visa waiver only applies to short stays, for long stays (longer than three months) and/or stays to take up gainful employment national visas will be issued.

Although the visa policy for Cariforum citizens has improved in the recent years, some Cariforum states feel that the Cariforum cultural sector will still not be able to benefit from the Cariforum-EU EPA provisions for the delivery of entertainment services or the cooperation and exchange of artists unless the realities of immigration are further dealt with<sup>137</sup>.

### 5.1.2. Limitations set by EU Member States

To benefit from the market access provisions of the Cariforum-EU EPA, Cariforum entertainment professionals must be aware of that certain limitations/conditions may apply in the EU Member States where they would wish to provide their services, such as: Economic Needs Tests (ENTs) and qualifications requirements. These limitations are not the same in all EU Member States and different rules apply throughout the EU.

#### 5.1.2.1. Belgium

Belgium has not ratified the EPA. It needs to be ratified by different governmental entities such the Federal State, the Regions and the Communities. At present only the Flemish Community/Region has finalised the ratification procedure (Decree of 16 July 2010 published at the *Moniteur belge* of 6 August 2010).

Belgium did not adopt all the market access commitments for the entertainment services sector mentioned in the EPA. It has adopted commitments for commercial presence (mode 3), but took some reservations for temporary movement of natural persons (mode 4).

For mode 4 it made commitments for key personnel and graduated interns, but it did not make commitments for contractual services suppliers (CSS) and independent professionals. According to the Ministry for Trade Belgium took this reservation as no compromise could be reached at internal level during the EPA negotiations and hence, Belgium could not make any additional commitments.

In any case Belgium does not intend to restrict the access of foreign artists to its territory. According to the Belgian government, Belgium had always contributed to cultural diversity and allowed foreign artists to enter its territory to provide services.

In Belgium the following rules apply:

- A Cariforum citizen wishing to work as an employee in Belgium needs to have a work permit and a visa.

<sup>134</sup> Information provided by Rita Nagy, Visa Policy Unit, DG Home Affairs, European Commission, 6 May 2011.

<sup>135</sup> Interview with Margaret Rousseau, Ambassador of Trinidad & Tobago to Belgium, 28 April 2011.

<sup>136</sup> Information provided by Alexander Walford, Implementation of Cariforum-EU EPA, Directorate General for Trade, European Commission, 27 April 2011.

<sup>137</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

- Special provisions exist for artists (which are taken in a broad sense) who come to Belgium for a short and temporary stay (for events, festivals, etc.)<sup>138</sup>:
  - For stays under 3 months, Belgian legislation offers a simplified process for artists with an international reputation and their crews<sup>139</sup>. They do not need to apply for a work permit. A valid visa is sufficient. Application for the visa will be processed in the relevant diplomatic post. The applicant must present her/his travel documents, the visa application sheet, the letter of invitation (which includes the financial aspects of the stay) of the Belgian contact (organizer of the event), and the detailed composition of the group and documents that prove the international reputation of the group (press articles, tour agenda, posters, etc.). The application needs to be filed within the required timeframe (usually at least 20 days before departure). Most visas are refused because the application files are incomplete.
  - For artists without an international reputation who wish to come for a period shorter than 90 days, and for all artists who wish to come for a longer period of time, a work permit must be issued by one of the relevant regional employment agencies: VDAB140 (Flanders), Forem141 (Wallonia), Actiris142 (Brussels) or Ministerium der Deutschsprachigen Gemeinschaft143 (German-speaking Community). The employer (Belgian organiser) must initiate the work permit application.
- An economic needs test (ENT) will be performed, except in certain cases. For example, it will not be performed for an artist with an international reputation and his/her crews if his/her annual remuneration is above the level required by the Belgian legislation (as of 1<sup>st</sup> January 2003: 25.921 Euros).
- For stays of 90 days or less, a type short stay Schengen visa is issued (visa type C). For stays exceeding 90 days, a type D visa is issued: this is a national visa; it is only valid in Belgium, but can also be used for transit through one or more Schengen countries. For type D visas, additional documents are necessary (medical certificate, certificate of good conduct, etc.). The applicant needs to contact the Belgian Embassy or Consulate<sup>144</sup> in his district to introduce the visa application.

Professionals wishing to settle in Belgium as self-employed workers for a period less than three consecutive months only need a valid visa. However, if they want to settle for a period of more than three months, they must be in possession of a 'professional card' (*carte professionnelle/beroepskaart*) i.e. be authorized by the Federal Public Service Economy, SMEs, Self-employed and Energy to exercise a professional activity as a self-employed worker. They can apply for it through the relevant Belgian Embassy or Consulate.

#### 5.1.2.2. Denmark<sup>145</sup>

Denmark has not yet ratified the EPA.

Denmark took market access commitments for entertainment services for commercial presence (mode 3) and temporary movement of natural persons (mode 4). The mode 4 commitments are limited by an Economic Needs Test and the migration requirements set in its visa regulation.

<sup>138</sup> Royal Decree of 9 June 1999 on foreign workers.

<sup>139</sup> According to the Decree, crews can be defined as 'persons whose presence is required for the representation'.

<sup>140</sup> <http://vdab.be/>

<sup>141</sup> [http://emploi.wallonie.be/THEMES/PERMIS\\_TRAVAIL/Travailleurs\\_Etrangers.htm](http://emploi.wallonie.be/THEMES/PERMIS_TRAVAIL/Travailleurs_Etrangers.htm)

<sup>142</sup> <http://www.actiris.be/tabid/173/language/fr-BE/Default.aspx>

<sup>143</sup> [http://www.dglive.be/en/Desktopdefault.aspx/tabid-1263/2264\\_read-27181/](http://www.dglive.be/en/Desktopdefault.aspx/tabid-1263/2264_read-27181/)

<sup>144</sup> [http://diplomatie.belgium.be/en/services/embassies\\_and\\_consulates/belgian\\_embassies\\_and\\_consulates\\_abroad/](http://diplomatie.belgium.be/en/services/embassies_and_consulates/belgian_embassies_and_consulates_abroad/)

<sup>145</sup> Information provided by Tina Kristensen, Head of Section The Danish Ministry of Refugee, Immigration and Integration Affairs, 3 May 2011.

For short stays citizens of the Cariforum countries need a visa to enter Denmark. This is not the case for citizens from Antigua and Barbuda, Bahamas, Barbados and Saint Kitts and Nevis, that benefit from a Schengen visa waiver.

It is relevant to note that the Danish Executive Order on Aliens' Access to Denmark<sup>146</sup> has some specific provisions for artists and entertainers. According to the paragraph 32 (2) (ii), “artists, including musicians and other entertainers, whose participation constitutes a substantial or essential part of a noteworthy artistic event can work without a residence and work permit, provided the duration of their stay does not exceed three consecutive months”.

### 5.1.2.3. France

In France the EPA ratification process has not been concluded.

France made market access commitments for entertainment on commercial presence (mode 3). It also adopted commitments for the temporary movement of natural persons (mode 4) which are limited by an Economic Needs Test and the migration requirements in its visa regulation.

In France, the Economic Needs Test for Cariforum artists is carried out by the Ministry of Culture. The Ministry analyzes the request of the service supplier by looking at the economic needs of the local suppliers. The test is not discriminatory and applies to artists from all countries outside the EU<sup>147</sup>.

Special visas exist for artists in France, but there are periods that the authorities apply the stricter rules to control access. Visas are granted on a case by case basis. In some cases organisers of cultural events may contact the *Centre National de la Cinématographie* or the Ministry for Culture to speed up the process to obtain a visa for a specific artist<sup>148</sup>.

There are no special provisions for artists coming from the Cariforum. However, it is worth mentioning that an inter-ministerial working group on the circulation of artists was created in April 2010. It gathers the ministries in charge of migration, health, culture, labour and interior and aims at giving an interministerial response to questions related to the circulation of artists. The working group listed the difficulties they had encountered issuing provisional work authorisations, cards for “artistic and cultural professions”<sup>149</sup> and visas<sup>150</sup>.

### 5.1.2.4. Germany

In Germany the EPA has not been ratified. Once it has been ratified by the First Chamber it will pass for ratification to the Second Chamber, where the 16 *Länder* (German regional authorities) are represented<sup>151</sup>.

Germany made commitments on commercial presence (mode 3) for the entertainment sector. It also made commitments for the temporary movement of natural persons (mode 4) for contractual services suppliers. This means that Cariforum artists entering Germany for business purposes will not be required to have a

<sup>146</sup> Paragraph 32 (2) (ii) of the Danish Executive Order on Aliens' Access to Denmark: “Artists, including musicians, performers, and the like, and associated staff if they are of major importance to an important artistic event are exempt from the requirement of a work permit for a period of three months from entry.” Full text is available at: <http://www.nyidanmark.dk/NR/rdonlyres/C7BF20A8-307F-4F31-BB11-9909B43A0CF1/0/Udlbkgnr270af220310gb.pdf>

<sup>147</sup> Interview Florence Bouyala-Imbert, Latin America Trade Policy Committee, Services and Investment, Permanent Representation of France to the EU, 24 February 2011.

<sup>148</sup> Interview with Elsa Comby, CNC, 16 February 2011.

<sup>149</sup> <http://www.immigration-professionnelle.gouv.fr/formulaires-cerfa/cst-professions-artistiques-et-culturelles>

<sup>150</sup> Information provided by H el ene Herschel, Head of Unit, Directorate European and International Affairs, Ministry for Culture of France, 6 May 2011.

<sup>151</sup> Interview Hans-Juergen Blinn, Minister for Culture Rheinland-Pfalz, 21 February 2011.

work permit or residence permit as long as the period of stay does not exceed three months. However, an Economic Needs Test and an evaluation of their qualifications will take place<sup>152</sup>.

The regulations of the German Aufenthaltsgesetz (German Law of Residence) and its implementing decrees apply to foreigners who want to work in Germany, irrespective of whether their employer is based in Germany or another country. In case of the secondment for the supply of services (contractual services supplier) the employee needs to have a residence permit<sup>153</sup>.

According to German law, artists and their support personnel do not need the approval of the German Federal Employment Agency (*Bundesagentur für Arbeit* ("BA")) as long as their stay in Germany does not exceed 90 days in the period of one year. In this case an ENT is not applied. The immigration authority may however check the qualification of the artist and his or her professional experience. Here the Cariforum-EU EPA does not offer an additional market access to the German market, but just applies the German regulation. When the stay in Germany exceeds 90 days and is less than 6 months in a one year period, the German law and the contents of the Cariforum-EU EPA are identical: a residence and work permit and an ENT are necessary<sup>154</sup>.

The ENT in Germany is regulated in § 39 *Aufenthaltsgesetz* (German Law of Residence). The BA has to approve the occupation. For this purpose the BA first checks, if no Germans or other foreigners that have priority access to the German market, are available to carry out this occupation. In addition, the competitive status of the sector will be evaluated.

In order to give its consent to start the occupation, the BA also carries out an assessment of the professional qualification. In individual cases the adequate relevant experience has to be proved by e.g. certificates or attestations. As this is always a case-by-case decision a general appraisal is not possible. According to the German Federal Ministry of Labour and Social Affairs, the BA has a wide experience in approving the secondment of artists.

#### 5.1.2.5. Italy<sup>155</sup>

Italy has not completed the ratification of the EPA. The draft law for ratification has been submitted to the Parliament, which should discuss it in one of its next sessions. It is expected that the ratification will be concluded soon.

Italy's market access commitments for entertainment services apply to commercial presence (mode 3) and temporary movement of natural persons (mode 4). For mode 3 this means that every natural or juridical person of the Cariforum countries can establish themselves in Italy. For mode 4 Italy took commitments without limitations for key personnel and graduate trainees. There are some non discriminatory limitations (ENT and eventually a qualification requirement) for contractual services suppliers and independent professionals.

In Italy, the ENT means that entry of a natural person into the country is subject to a quota. All foreigners enter Italy via this quota system. Everybody must undergo an ENT (only a few categories enter Italy outside the quota system). The ENT is a general test and it is not divided into sectors or countries of origin.

<sup>152</sup> Article 83 and to the Annex IV of the Cariforum-EU EPA.

<sup>153</sup> Information provided by the German Federal Ministry of Labour and Social Affairs, 23 March 2011.

<sup>154</sup> Information provided by the German Federal Ministry of Labour and Social Affairs, 23 March 2011.

<sup>155</sup> Information provided by Tiziana Zugliano, Directorate General International Trade Policy, Ministry for Economic Development of Italy, 9 May 2011.

Visas are granted by the Italian consulates or embassies for different travel motives (business visits, employed work, self-employed work, study, research, etc.) and on the basis of supporting documentation. For short term stays visas are granted for a maximum of 90 days (for example a business visa). For long term stays (beyond 90 days) a long term visa is required. The requirements are the same for every foreign country (no differences for the Cariforum countries).

Specific qualifications may be required for certain activities. Foreign suppliers are not discriminated with Italians (i.e. the same qualifications are required for Italians as for foreigners). A foreign qualification must be evaluated by the competent authority (probably the Ministry of Education). Usually they need to understand what's behind this qualification (studies, length of studies, subjects, practical experience, traineeships, etc.) in order to compare the foreign qualification with a similar Italian qualification. If the two qualifications are more or less comparable, the foreign qualification is recognised. If the foreign qualification lacks some elements or is not comparable to an Italian one, the foreigner is told what kind of supplementary tests or courses he could do in order to reach the same level.

#### 5.1.2.6. The Netherlands

Currently, the Netherlands is in the process of ratifying the EPA.

The Netherlands made mode 3 commitments for entertainment services. It also made mode 4 commitments for this category of services, on the condition that an economic needs test was carried out.

Providers of entertainment services do not need a work permit for incidental cases and if their stay does not exceed a maximum of four weeks in any 13 week period. For longer periods a work permit is required. To obtain a work permit, an economic needs test is required, unless the performing artist is involved in dance, classical music, opera, musical, or theatre and belongs to the high end of the market (evaluated on the basis of income). The requirements do not differ per Cariforum country.

Under the EPA providers of entertainment services are allowed to stay in the Netherlands for 90 days every 12 months, instead of the usual 60 days<sup>156</sup>.

#### 5.1.2.7. Spain

Spain has ratified the EPA and made commitments for entertainment services supplied via commercial presence (mode 3) and the temporary movement of natural persons for key personnel, graduates trainees and contractual services suppliers (mode 4).

Spain applies an economic needs test to entertainment services suppliers (in Spanish, *examen de la situación nacional de empleo* (SNE)). It is managed by the autonomous regions. The Spanish employer submits the request to the Delegation of the government in the autonomous region where its company is registered. The requests may also be submitted to the Spanish consulate in the Cariforum country where the company has its residence, although the final decision will be taken by the government delegation of the relevant Autonomous Region.

The regulation setting out the procedures for the evaluation of the economic needs test is Royal Decree 2393/2004. The economic needs test consists of an assessment of the national employment situation, it assesses if there are any alternatives for the supply of this service in Spain. This Decree is currently under

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<sup>156</sup> Information provided by Eva Oskam, Senior Policy Advisor, Trade Policy & Globalisation Department, Ministry of Economic Affairs, Agriculture and Innovation of the Netherlands, 7 March 2011.



review. It includes special provisions, more favourable, for artistic performances of cultural interest by internationally recognized artists (Title IX)<sup>157</sup>.

#### 5.1.2.8. United Kingdom<sup>158</sup>

The United Kingdom has completed the ratification of the EPA.

The UK has made mode 3 commitments for entertainment services. It has also made commitments under mode 4 that enables Cariforum staff to work in the UK if the Cariforum company has commercial presence in this country<sup>159</sup> and allows Cariforum entertainers (who have a contract to provide services in Europe) to provide their services in the UK.

Regarding market access provisions, the UK Border Agency is considering whether any further changes to the Immigration Rules would be required to discharge the UK from its obligations under the EPA. Entertainers from the Cariforum countries will, in any event, be able, as they are now, to enter under existing Tier 5<sup>160</sup> provisions for temporary workers provided they have a Certificate of Sponsorship issued by a sponsor licensed with the UK border Agency for that purpose.

A resident labour market test may be required for Tier 5 (Temporary Worker) entertainers if they are not exempted from such a test by the appropriate creative sector code of practice or it cannot be demonstrated, if required, that their employment doesn't otherwise displace resident workers. There are also provisions in the Immigration Rules for the admission of overseas entertainers as visitors in specific circumstances.

Generally, employers sponsoring the admission of a worker in the entertainment/creative sector through the Tier 5 (Temporary Worker) category will be expected to do so in accordance with what is set out in specific codes of practice published on the UK Border Agencies website<sup>161</sup>. These Codes of Practice set out the circumstances in which an ENT may need to be conducted or in which (because, for example, the performer is internationally famous in their field) such a test is not required.

Sponsorship of workers in this sector in Tier 5 will not normally be subject to requirements in respect of formal qualifications but where such workers do not perform at the appropriate level e.g. have an international reputation or do not possess attributes that could not otherwise be sourced from the resident labour market, a labour market test may be required. It is a condition of the licensing of a Tier 5 sponsor that they will only issue Certificates of Sponsorship in accordance with these requirements and if subsequent checks establish that a sponsor fails to observe the requirements of a Code of Practice, their sponsor status may be downgraded or revoked.

As regards visa policy, artists from some Cariforum countries do not require a visa if they are coming to the United Kingdom as work permit holders for 6 months or less, or as Temporary Workers in the Creative and Sporting Category of Tier 5 for less than 3 months. This is the case for the following Cariforum countries:

<sup>157</sup> Information provided by ICEX (Spanish Institution for External Trade), 4 April 2011.

<sup>158</sup> Information provided by the Department of Business, Innovation & Skills (DBIS), UK, 25 February 2011.

<sup>159</sup> Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years; senior staff responsible for establishing a commercial presence for 90 days in any 12-month period; new graduate trainees for one year.

<sup>160</sup> In 2008, the United Kingdom implemented a points' based system for non-European Union migrants wishing to come to the UK to work, study, and train. This immigration system is broken into five tiers. Each of them has different conditions, entitlements, and entry requirements for migrants wishing to work in the UK. Tier 5 comprises youth mobility and sponsored temporary workers including sports people and entertainers working for less than 12 months, voluntary workers, overseas government employees and workers entering the UK under a government approved exchange programme.

<sup>161</sup> Codes of practice in the creative sector are available at:

<http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/>

Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, St Kitts and Nevis, Saint Lucia, Saint Vincent and Trinidad & Tobago<sup>162</sup>.

However, nationals of Dominican Republic, Guyana, Haiti, Jamaica and Surinam require a visa to enter the UK in any circumstances<sup>163</sup>.

### Concluding remarks:

The ENTs applied by EU Member States are a limitation to the market access provisions for CSS in the entertainment sector. The interviews conducted within the entertainment sector showed that in general ENTs were not being applied very rigidly in the entertainment sector<sup>164</sup>.

In some Member States, such as in Belgium or the Netherlands, rules exempted artists at the high end of the market from the application of this test. A number of national trade experts also pointed out that most decisions based on ENTs are taken on a case by case basis and were often quite flexible<sup>165</sup>.

With respect to the qualifications requirement, it is worth noting that the recognition of diplomas is not harmonised throughout the EU Member States.

## 5.2. Implementation of the Protocol on Cultural Cooperation by EU Member States

The eight EU Member States contacted during this study indicated that at this moment they were not planning to set up a specific cultural cooperation programmes to implement the provisions of the Protocol on Cultural Cooperation of the EPA. This was the case for both their cultural policy programmes and their development cooperation programmes.

Most of these Member States already had cultural cooperation programmes with a number of Cariforum countries, in particular with the Cariforum countries with which they had strong historical and linguistic ties. Also no new initiatives or developments were foreseen as a follow-up to the Cariforum-EU EPA.

Unfortunately there were also no initiatives in the EU Member States to start negotiations of bilateral co-production agreements for audiovisual works between individual EU Member States and individual Cariforum countries. Most government officials interviewed mentioned that they had not received any request from their audiovisual sector to start negotiating such an agreement. Co-production agreements were demand driven initiatives and EU Member States would only react if there was an interest on the side of their audiovisual sector. The lack of visibility of the Caribbean audiovisual industry and their main assets were according to a number of officials the main reasons why their industries had not shown a special interest in a co-production agreement. Member States had also indicated that they were careful with the signing of co-production agreements as they would also have to make funds available to implement the co-production agreements. Due to the current budget cuts in the EU Member States this was also a relevant issue to be considered.

<sup>162</sup> To know which nationalities need UK visas to enter the United Kingdom, please check: <http://www.ukvisas.gov.uk/en/doingneeedvisa/>

<sup>163</sup> Further information on visa requirements for those accessing the Tier 5 (Temporary Worker) category can be found at <http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/creativeandsporting/applying/>

<sup>164</sup> Interview with Anita Debaere, Director, Performing Arts Employers Association League Europe, 19 April 2011.

<sup>165</sup> Interview with Alicia Pindado, Head of Unit, Trade on International Services, Secretary of State for Trade, 1 February 2011.

Despite the lack of specific initiatives in the EU and its Member States, we have tried to identify some existing programmes in EU Member States that could assist in the development of the Cariforum cultural sector and increase cultural exchanges between Cariforum and European artists and cultural practitioners.

To encourage cultural exchanges it is first of all important that the Protocol has an impact on the visa policies of Member States. The consulates of the Member States in the Cariforum countries need to be more aware of the Protocol and take it into account when processing visa applications. For example if a Cariforum artist receives an invitation for a training programme in an EU Member State, the consulate should be aware of the provisions of the Protocol and take them into consideration<sup>166</sup>. To make sure that this happens, there should be an awareness raising exercise that keeps stakeholders and authorities informed of the content of the Protocol.

Below an overview is given per EU Member State of their cultural programmes that could be of benefit to the Cariforum cultural sector.

### 5.2.1. Belgium<sup>167</sup>

In Belgium, development cooperation is a federal competence. The Cariforum countries are not among its priority countries<sup>168</sup>. Support can nevertheless in some cases be provided to non priority countries. For instance, Haiti benefited from support after the earthquake<sup>169</sup>.

The three linguistic communities (Flemish, French and German-speaking Communities) have the competence for international cultural cooperation<sup>170</sup>. In Belgium no financial support has been envisaged to implement the provisions of the Protocol, but the Cariforum countries can benefit from the so-called « classical » cultural cooperation programmes.

In general the Flemish Community/Region focuses its development cooperation programmes on Africa<sup>171</sup> and the French Community tends to work more closely with Haiti.

Cultural cooperation is currently taking place under the 2009-2012 programme established by the Joint Commission (*Commission mixte*) of the Framework Agreement between Haiti and the French Community of Belgium<sup>172</sup>. The programme was signed in 2009 at Port-au-Prince was extended after the earthquake in Haiti. Its main axes in the cultural field are: “creation of cultural, reading and cultural animation spaces” and “support to cultural policies”.

A number of projects are set up for the exchange of artists (artists in residence in several sectors such as music, performing arts, and plastic arts), for example under the project EWA-Ayiti<sup>173</sup>. The French Community also supports the circulation of Haitian shows in the Caribbean region.

<sup>166</sup> Interview Florence Bouyala-Imbert, Latin America Trade Policy Committee, Services and Investment, Permanent Representation of France to the EU, 24 February 2011.

<sup>167</sup> For Belgium, interviews have been carried out with the audiovisual department of the French Community of Belgium, Wallon Brussels International and the Committee on Trade Policy at the Federal Public Service Foreign Affairs.

<sup>168</sup> <http://www.btcctb.org/fr/th%C3%A8mes>

<sup>169</sup> [http://diplomatie.belgium.be/en/policy/development\\_cooperation/countries/partner\\_countries/](http://diplomatie.belgium.be/en/policy/development_cooperation/countries/partner_countries/)

<sup>170</sup> Dodd, Diane, Mella Lyklema and Kathinka Dittrich-Van Weringh (2006) *a Cultural Component as an integral part of the EU's Foreign Policy?* Amsterdam: Boekmanstudies, country profile, Belgium.

<sup>171</sup> [http://www.fica.be/assets/pages/bilateral\\_partners.php?pid=11](http://www.fica.be/assets/pages/bilateral_partners.php?pid=11)

<sup>172</sup> The Framework Agreement between Haiti and the French Community of Belgium was signed on 30 September 1997. It aims at establishing global cooperation in a number of areas, among which, culture, fine arts and the audiovisual sector. [http://www.wbi.be/cgi/objects3/objects/media/0/1/3/1/3/0131383\\_media/media0131383\\_media\\_1.pdf](http://www.wbi.be/cgi/objects3/objects/media/0/1/3/1/3/0131383_media/media0131383_media_1.pdf)

<sup>173</sup> <http://www.ewa-ayiti.be/ewa-ayiti/partenaires.php>

With respect to cooperation in the audiovisual sector, the French Community of Belgium indicated that development of co-productions with Caribbean film producers was not a priority for Belgian producers. To date they had not received any demand from the film sector<sup>174</sup> to launch negotiations for a bilateral co-production agreement with a Cariforum country. The Belgian budget was also very limited for audiovisual works and it was felt that it would make more sense for France to sign such an agreement.

The only advantage of the Protocol's provisions is the possibility for co-produced films to benefit from broadcasting quotas in the EU. However, the fact that Cariforum industry can benefit from the quotas does not stimulate the negotiation of co-production agreements.

### 5.2.2. Denmark

Denmark has not taken any measures to implement the Protocol, as according to the Ministry of Culture it first needs to ratify the EPA. The Danish government indicated that it was planning in the near future to improve the distribution of information on the UNESCO Convention and the Protocol of the EPA, but that for the time being it did not envisage any new programmes to implement the Protocol.

Denmark has a bottom-up approach to cultural cooperation. This means that it is not the government that decides which projects will be carried out. Professionals from the cultural sector apply for public funding from state agencies for the cultural projects they like best<sup>175</sup>.

For example, the Danish Centre for Culture and Development<sup>176</sup> allocates funding to specific projects but again it is up to the cultural sector to decide with which countries they would like to work. The only condition is that these countries had to be among the poorest countries of the world<sup>177</sup>.

In short, if the Cariforum cultural sector wished to receive support in Denmark, it would be necessary for them to first get into contact with the Danish cultural sector to set up joint cooperation projects.

At present, the government has set up a strategic action plan with its geographical priorities for cultural cooperation for the period 2011-2013. The plan did not include Cariforum countries. It will serve as a guidance to coordinate the cultural cooperation projects carried out by the state agencies for culture.

With respect to the audiovisual sector, the Danish government also mentioned that was up to the film sector to decide with which countries and film producers they wanted to cooperate and co-produce. It was not a decision of the government.

Up until now only the Danish film about the life of Peter von Scholten had been filmed in the Caribbean, the government was not aware of any other Danish film director that had used the Cariforum countries as a film location. According to the Danish Film Institute it was therefore important for the Cariforum countries to make the European film sector more aware of the possibilities offered by the audiovisual sector in the Cariforum countries.

So far no bilateral co-production agreements had been signed with a Cariforum country and no agreements were envisaged in the near future<sup>178</sup>.

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<sup>174</sup> Interview with Jean-Louis Blanchard, Director of audiovisual service at the French Community of Belgium.

<sup>175</sup> Anne Julie Schmitt Jensen, Special Adviser, Ministry of Culture, Denmark, 28 April 2011.

<sup>176</sup> <http://www.dccd.dk/dccd/cku.nsf>

<sup>177</sup> Interview with Louise Wolfson, Centre Coordinator at the Danish Centre for Culture and Development, 27 April 2011.

### 5.2.3. France

The Ministry for Culture mentioned that the Protocol had enabled France to set its bilateral cooperation agreements within a European Union framework. Officials from the Ministry declared that France had fully integrated the main points of the Protocol in its actions<sup>179</sup>.

France did not foresee any new cooperation actions to specifically implement the Protocol. It had already been cooperating extensively with the Cariforum countries in the cultural field and would continue to do so in the future<sup>180</sup>.

French cultural cooperation was particularly important in Haiti. For example, the Ministry for Culture offered its assistance to Haiti following the earthquake on 12 January 2010 and signed on 27 June 2010 an agreement of cultural cooperation for the period 2010-2015. This agreement envisaged cooperation in the field of heritage preservation, hosting Haitian artists and cultural professionals in France and training for these professionals in Haiti. France provided aid to renovate the *Ciné Théâtre Triomphe*<sup>181</sup>. The French Ministry for Culture also widely supported the Haitian media<sup>182</sup>. France has started with its partners of the *Organisation Internationale pour la Francophonie*, a digital library for Haiti – it provides support to audiovisual media by offering programmes and training sessions.

France also has close links with other Cariforum countries. The French Regional Directorates of Cultural Affairs (*Directions Régionales des Affaires Culturelles "DRAC"*) are present on the French territories in the Caribbean and they have close links with the Cariforum countries in the region. Below some examples of their cultural activities:

- The *DRAC* in Guyana organised many exchanges of live performance, in particular with Suriname. It invited dancers, musicians and actors to events in Guyana.
- The *DRAC* in Martinique signed on behalf of the Ministry of Culture a Convention with the Association of *Alliances Françaises* of Saint Lucia in May 2010, which coordinates the activities of the five *Alliances Françaises* of the Eastern Caribbean network (Saint-Lucia, Saint-Vincent and the Grenadines, Grenada, Dominica, Saint Kitts and Nevis). This Convention carries out projects for the creation, dissemination and professional training managed by artists from Martinique. The aim is to create networks between the cultural projects in each of these countries and to make their artists know in the other countries. It also intends to set up exchanges with other artists in the Caribbean for co-productions, through conferences, workshops and residences. The projects involve all artistic fields (theatre, music, dance, plastic arts, video, book and reading and cinema) and they aim at setting up regional cultural cooperation to highlight the value of the Caribbean identity.
- The *DRAC* Guadeloupe has signed a similar convention to the one of Martinique.

France also makes its Priority Solidarity Funds (PSF) and Regional Cooperation Funds (RCF) available for cooperation in the Caribbean. The PSF is managed by the Ministry of Foreign Affairs and the RCF by the Ministry of Interior, Overseas France and the local authorities. Although culture is not a priority area for intervention, some cultural projects have been funded under these two envelopes.

<sup>178</sup> Interview with Danish Film Institute officials, 29 April 2011.

<sup>179</sup> Information provided by Hélène Herschel, Head of Unit, Directorate European and International Affairs, Ministry for Culture of France, 28 April 2011.

<sup>180</sup> Interview with Elsa Comby, CNC, 16 February 2011.

<sup>181</sup> Interview with Elsa Comby, CNC, 16 February 2011.

<sup>182</sup> Interview with Hélène Herschel, Head of Unit, Directorate European and International Affairs, Ministry for Culture of France, 28 April 2011.

With Dominica, there are several ongoing projects on local development and cultural heritage protection. The projects are mainly financed by the RCF of Martinique and Guadeloupe. Dominica joined the Strabon Caraïbes (<http://strabon-caraibes.org/>) to set up multimedia and multilingual information on the cultural and touristic heritage of the Association of Caribbean States. It did this through the *Society for Heritage Architecture Preservation Enhancement* (SHAPE)<sup>183</sup>.

The Strabon-Caraïbes is a programme of the *Fondation Maison des Sciences de l'Homme – Paris*. The following Cariforum countries are part of it : Antigua et Barbuda, Dominica, Grenada, Dominican Republic, Saint Kitts et Nevis, Saint Lucia, Saint-Vincent and the Grenadines, Trinidad et Tobago.

The regional cooperation with the Outermost Regions (DFA) was relaunched with financing of the RCF for the “Antilles-Guyane” area. This cooperation includes the cultural sector<sup>184</sup>.

The same goes for Jamaica, where cultural cooperation is focused on regional cooperation with the DFA through the RCF funds. Between 2001 and 2007, 34 projects between the DFAs (mainly Guadeloupe) and Jamaica were financed for a total amount of 3.4 million Euros. The RCF contributed to 25% of the financing. The projects with Guadeloupe mainly addressed the cultural, artistic and sports sector as well as professional and languages training.

Saint Kitts has benefited from regional projects in various sectors, including culture<sup>185</sup>.

Regarding cooperation in the audiovisual field, it is important to mention the *Fonds Sud Cinéma*. This fund provides support to feature, animation and creative documentary film projects intended for theatrical release in France and abroad. A total of 2 million Euros is allocated to the Fund. The average aid awarded to a film is 110.000 Euros and cannot exceed 152.000 Euros. 25% to 50% of the support is allocated to production spending within southern countries.

African, Latin American, Middle Eastern and Asian countries are eligible, among them the Caribbean countries<sup>186</sup>. Raoul Pec has been granted these funds on various occasions, for example for *Lumumba en 2000*, *L'homme sur les quais en 1993*.

No co-production agreements have been signed so far with the Cariforum countries. The French national institution for Film, *Centre National de la Cinématographie*, CNC, provides training programmes to countries with which it has concluded audiovisual co-production agreements, but this is not the case for Cariforum countries.

The CNC also grants scholarships to students from ACP countries to study in *La Fémis*. Since the CNC set up this scholarship no student from the Cariforum countries has been a beneficiary.

#### Other relevant funds

Some Cariforum countries that are a member of the OIF (*Organisation Internationale de la Francophonie*) can benefit from cultural cooperation projects of this organisation. This is the case for Saint Lucia or Dominica.

<sup>183</sup> [http://www.diplomatie.gouv.fr/fr/pays-zones-geo\\_833/dominique\\_11404/dominique-france\\_11961/presentation\\_19310/index.html](http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/dominique_11404/dominique-france_11961/presentation_19310/index.html)

<sup>184</sup> [http://www.diplomatie.gouv.fr/fr/pays-zones-geo\\_833/haiti\\_513/france-haiti\\_1218/presentation\\_4655/index.html](http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/haiti_513/france-haiti_1218/presentation_4655/index.html)

<sup>185</sup> [http://www.diplomatie.gouv.fr/fr/pays-zones-geo\\_833/saint-christophe-et-nieves\\_11405/france-saint-christophe-et-nieves\\_14196/presentation\\_69538.html](http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/saint-christophe-et-nieves_11405/france-saint-christophe-et-nieves_14196/presentation_69538.html)

<sup>186</sup> <http://www.cnc.fr/Site/Template/T11.aspx?SELECTID=361&ID=204&t=3>

Some of the projects available are, for example, “*Fonds francophone des info routes*”<sup>187</sup> (French Speaking Information Networks Fund). This fund develops the ownership of technologies in countries such as the Cariforum countries. It supports through calls for proposals, initiatives of content production and digital applications in French in sectors such as education, media, cinema, access to digital cultural heritage, etc.

The OIF provides support for filmmakers from developing countries through its audiovisual fund and gives grants for the international promotion of films from developing countries.

#### 5.2.4. Germany

In Germany, the competence for cultural, audiovisual affairs and education lies primarily with the *Länder*. Therefore, the implementation of the Protocol will be carried out at *Länder* level.

In Germany no steps have been taken so far to implement the Protocol. According to German officials interviewed, it is still too early to assess the implementation of the EPA<sup>188</sup>.

At federal level, the office of the Federal Government Commissioner for Culture and Media/Minister of State to the Federal Chancellor<sup>189</sup> is responsible for cultural and media affairs. In order to consolidate the responsibility for the cultural and media policy of the Federal Government this office was established in 1998. It also provides certain funds and government aids for cultural programmes and projects within the scope of federal competence, either directly or indirectly through the German Federal Cultural Foundation. The funds are limited.

Development cooperation is a federal competence, but no programmes are foreseen for culture. The Cariforum countries are not priority countries for German development aid.

The German Foreign Office nevertheless makes some funding available to support culture and media in Africa, Asia, Australia, Pacific, Latin America and the Cariforum countries.

This funding aims to support the cultural exchanges on an aesthetic level and also to intensify the training of professionals in the cultural and media sector in Germany. It supports projects of cultural preservation. The funding is given to projects, preferably to bilateral projects, and not to institutions. The applicants can be government agencies and NGOs in the host country and in Germany - the applications must be presented to the Unit 602 at the German Foreign Office before the 31 of October of each year<sup>190</sup>.

Germany also has a number of projects to support implementation of the Cariforum-EU. Some of these projects could be useful for the cultural sector, for example, the project “Assisting Regional and National Organisations in the Implementation of the Economic Partnership Agreement in the Caribbean”. The implementation partners are the Caribbean Export Development Agency (CEDA), the CARICOM Secretariat and the Cariforum member countries. It is running until December 2012 with an overall budget of 4.000.000 Euros. It is aimed at “*strengthening the organisational development of relevant stakeholders and enhancing the technical expertise of partner specialists in terms of substance and implementation of the EPA as well as seizure of market access opportunities*”<sup>191</sup>.

<sup>187</sup> <http://inforoutes.francophonie.org/>

<sup>188</sup> Interview with Mr Hans Juergen-Blinn, Minister for Culture Rheinland-Pfalz, 21 February 2011.

<sup>189</sup> <http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragterfuerKulturundMedien/beauftragter-fuer-kultur-und-medien.html>

<sup>190</sup> Information provided by the German Foreign Office, 1 May 2011.

<sup>191</sup> Information provided by Ms Silke Trumm, Federal Ministry for Economic Cooperation and Development, 26 April 2011.

In addition, some foundations also provide funds, such as the Alexander Rave Foundation<sup>192</sup>. It makes available grants for curators, restorers, museum technicians and cultural managers from developing countries.

In the audiovisual field, Germany has not signed any co-production agreements with the Cariforum countries<sup>193</sup>. As these are government treaties the German Federal Government would be concluding this type of treaties. They fall within the competence of the BKM (Federal Government Commissioners Office for Culture and the Media). This means that the Federal Government Commissioner for Culture and the Media negotiates these treaties. Yet the Federal Foreign Office would be signing these treaties, as it is the case for all international treaties<sup>194</sup>.

There are some programmes that could be useful for the Cariforum audiovisual sector, such as the World Cinema Fund. It is a joint initiative of the German Federal Cultural Foundation and the Berlin Film Festival that supports the production of films in structurally disadvantaged countries and helps to strengthen their position in the international film industry<sup>195</sup>. In particular, it also helps to strengthen the profile of such films in German cinemas. It has an annual budget of about 500.000 Euros at its disposal and provides support in the fields of production and distribution.

#### 5.2.4. Italy<sup>196</sup>

Neither the Italian Ministry for Economic Development nor the Italian Ministry for Culture have adopted measures to implement the provisions of the Protocol.

They have also not carried out any projects or initiatives in the audiovisual sector yet and no bilateral co-production agreement for audiovisual works has been negotiated between Italy and any of the 15 Cariforum countries since the signature of the EPA.

At the moment no further information was available on the possible financial resources that could be devoted to cultural cooperation with the Cariforum countries in the next coming years.

#### 5.2.5. The Netherlands<sup>197</sup>

The Netherlands supports the overall implementation of the EPA. It provides bilateral “Aid for Trade” assistance to third countries all around the world - about 660 million Euros in 2010.

The signing of the EPA was not a condition for the Cariforum countries to be able to receive “Aid for Trade” assistance. The implementation aspects of the EPA fall within the scope of the “Aid for Trade” assistance.

<sup>192</sup> <http://www.ifa.de/en/foerderprogramme/rave-foundation/ravestipendien/detailed-information/>

<sup>193</sup> <http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/BeauftragterfuerKulturundMedien/Medienpolitik/Filmfoerderung/InternationaleFilmfoerderung/internationale-filmfoerderung.html>

<sup>194</sup> Information provided by officials of the Federal Government Commissioner office for Culture and the Media, 27 April 2011.

<sup>195</sup> Commonwealth Foundation, The bigger picture: A Way Forward for Film in the Commonwealth, 2009, p. 25.

<sup>196</sup> Information provided by Tiziana Zugliano, DG International Trade Policy, Ministry for Economic Development of Italy, 9 May 2011.

<sup>197</sup> Information provided by Eva Oskam, Senior Policy Advisor, Trade Policy & Globalisation Department, Ministry of Economic Affairs, Agriculture and Innovation of the Netherlands, 7 March 2011.



The Dutch government indicated that at least half of its Aid for Trade should be allocated to the ACP countries, a commitment that was easily met each year. This amount is channelled through multilateral funds and central programmes and through the Dutch embassies. In the Cariforum countries the Netherlands has three formal representations: in Suriname, the Dominican Republic and Trinidad and Tobago. These representations have very limited funds to provide trade related assistance.

Suriname is the only Cariforum country on the Dutch list of partners for development co-operation, the availability of central programmes was also rather limited here. The Netherlands does not have country or region specific input targets for "Aid for Trade" (for instance they cannot make the commitment of spending at least a certain amount annually in the Caribbean region).

In Suriname there were a number of initiatives which could be particularly useful for the cultural sector. The Centre for the Promotion of Imports from developing countries (CBI)<sup>198</sup> is an agency of the Dutch Ministry of Foreign Affairs that gives businesses knowledge and skills to export to the European Union, and helps business support organisations in developing countries to improve their export services.

There is also a programme for small and medium sized enterprises, Stichting IntEnt<sup>199</sup>, which has a local office in Paramaribo. It supports efforts to set up businesses by providing advice and training. It consists of assistance from the first orientation to the actual start of the business and the first period of the business operation (incubation phase).

The Private Sector Investment programme (PSI) gives support to innovative business-to-business investment projects in around 55 developing countries. The programme encourages Dutch businesses to set up joint investment projects with a local partner and is open to applications from Suriname<sup>200</sup>. So far, no project from the cultural sector had been funded.

Currently, no specific measures are foreseen for the implementation of the Protocol. However, the Netherlands disposes of a number of instruments to foster international cultural cooperation in the framework of its international cultural policy.

One of the priorities of International Cultural Policy of the Netherlands for the period 2009-2012 was "culture and international development". The Ministry of Education, Culture and Science (OCW) and the Ministry of Foreign Affairs (BZ) had the joint responsibility for the Dutch international cultural policy.

Their policy was confined to a limited number of priority countries: Brazil, Ghana, India, Indonesia, the Russian Federation, Sri Lanka, South Africa and Suriname.

About 25 million Euros is spent each year on culture & development from the ODA (Official Development Assistance) resources. A certain proportion of this amount is sent to the Dutch embassies in a number of developing countries, so that connections can be established between culture & development and international cultural policy. This is already the case in countries such as Egypt, Suriname and South Africa.

Funding also goes to organisations such as the Royal Tropical Institute<sup>201</sup> and the Prince Claus Fund for Culture & Development<sup>202</sup>, a fund that received support from the Ministry of Foreign Affairs<sup>203</sup>. The Royal Tropical Institute (KIT-Koninklijk Instituut voor de Tropen) was an independent centre of knowledge and

<sup>198</sup> <http://www.cbi.eu/>

<sup>199</sup> <http://www.ondernemenoverdegrens.nl/>

<sup>200</sup> [http://www.evd.nl/business/programmes/programmaint\\_psi.asp?land=psi](http://www.evd.nl/business/programmes/programmaint_psi.asp?land=psi)

<sup>201</sup> <http://www.kit.nl/-/INS/52859/Royal-Tropical-Institute>

<sup>202</sup> <http://www.princeclausfund.org/en/programmes/cultural-emergency-response>

<sup>203</sup> <http://www.sica.nl/en/node/19851>

expertise in the areas of international and intercultural cooperation. The Institute contributed to sustainable development, poverty alleviation and cultural preservation and exchange.

The institution in charge of international cultural policy in the Netherlands is the SICA (Dutch Centre for International Cultural Activities)<sup>204</sup>. Among the Cariforum countries, the Netherlands is supporting culture and development in the period 2009-2012 in Suriname. The Dutch embassies abroad have access to limited funds for supporting small-scale projects and only local organisations established in the country in question can apply for this support.

The Netherlands had no co-production agreements for audiovisual works with any of the Cariforum countries<sup>205</sup>. In the audiovisual field, however one programme could be interesting for the Cariforum countries:

- The Hubert Bals Fund of the International Film Festival of Rotterdam. It supported filmmakers from developing countries with grants for scenario development, post-production and distribution in their country of origin. The Festival provided funding and a platform for exhibition, training, networking and matchmaking. There were also opportunities for marketing and distribution of films<sup>206</sup>.

### 5.2.7. Spain

Spain already had a number of cultural cooperation schemes with the Cariforum countries before it signed the EPA and thus it did not need to introduce any new programmes or funds to implement the Protocol according to its Ministry of Culture. In Spain funds to support programmes for culture were available at national level as well as in some of its Autonomous Regions.

The Spanish Master Plan for Cooperation III (2009-2012) includes culture and development among its main priorities together with basic social services, gender equality in development and democratic governance<sup>207</sup>.

The Cariforum countries are part of the Spanish cultural cooperation framework for Latin America ("*cooperación iberoamericana*"). Spain also cooperates with the Cariforum region by contributing to the programmes of the *Organización de Estados Iberoamericanos* (OEI).

In the field of culture and development, the AECID, Spanish Agency for International Development Cooperation, mainly works with the OEI through the ACERCA Programme ("*Arte, Educación y Ciudadanía*"). This programme is aimed at promoting the identity, creativity, diversity and cultural pluralism in the sustainable development of the Latin American people.

It is interesting to note that Spain has set up a database of best practices of projects in culture and development (*Banco de Buenas Prácticas de Proyectos de Cultura y Desarrollo* (BBP))<sup>208</sup>. It is a tool to share successful experiences in the field of culture and development which envisages enhancing experiences which have been fostering development processes through culture. It is an initiative of the AECID and it is open to projects proposed by institutions or national and international public/private associations. It is aimed at disseminating good practices. The projects are assessed by a technical committee of international interdisciplinary experts.

<sup>204</sup> <http://www.sica.nl/en>

<sup>205</sup> <http://www.filmfonds.nl/node/91>

<sup>206</sup> Commonwealth Foundation, *The bigger picture: A Way Forward for Film in the Commonwealth*, 2009, p.26.

<sup>207</sup> Plan Director de la Cooperación Española 2009-2012, p. 165.

<sup>208</sup> Agreements and cultural programmes in Spain (*Convenios y programas culturales España*)  
<http://www.mcu.es/cooperacion/CE/Internacional/ConveniosProgramas/Introduccion.html>

The Cariforum country with which Spain has strong cultural cooperation is the Dominican Republic. The “Culture and Development” sector is a « complementary sector » in the Act of the 7<sup>th</sup> Spanish-Dominican Joint Commission. This Commission also decided to develop a “Project for Institutional Strengthening and Capacity-Building of the Cultural Sector in the Dominican Republic”<sup>209</sup>. Examples of this project are:

- Spain granted 947.000 Euros to development the library services in the Dominican Republic – including the promotion of its cultural industries and the institutional strengthening of its Secretary of State for Culture<sup>210</sup>.
- Enlargement of the Cultural Center of Spain (Centro Cultural de España) – to make it training centre for cultural management for Central America and the Caribbean region<sup>211</sup>.

Spain has also provided support for heritage protection in Haiti, Jamaica and Dominican Republic through the programme Heritage for Development (*Patrimonio para el desarrollo*)<sup>212</sup>.

The Ministry for Culture of Spain facilitates grants for the mobility of Latin American artists to perform in Spain<sup>213</sup>. It makes also available training programmes for cultural professionals from Latin America, for example, support for training of cultural sector professionals from Latin America and grants for Latin America in the field of cultural heritage<sup>214</sup>.

The Spanish central government together with the local government of Madrid also run the “*Casa de America*”<sup>215</sup>, a centre in Madrid for exhibitions, conferences, seminars, roundtables, concerts and other cultural events. It is a centre for exchange and a meeting point for Spanish and Latin American artists and other people involved in the cultural sector.

Some of the Spanish Autonomous Regions also support cultural projects abroad. For example, Casa America Catalunya, in Catalonia, supported projects in a number of countries of Latin America and Andalucía<sup>216</sup> had identified cultural cooperation with Latin America as one of its priorities for international cultural cooperation<sup>217</sup>.

Audiovisual cooperation with the Caribbean region is done through the *Ibermedia* programme. The Latin American Support Fund was established in November 1997. By providing financial support, the *Ibermedia* programme intends to create a Latin American audiovisual space in the member states members of the Conference of Audiovisual Authorities of Latin America (*Conferencia de Autoridades Audiovisuales de Iberoamérica*, CAACI)<sup>218</sup>.

There are also some relevant film festivals for the Cariforum countries in Spain: the San Sebastian International Film Festival which has two sections on Latin American cinema “Latin Horizons” and “Cinema in Motion” (films compete in this section for funding to complete their production); Huelva Latin American Film Festival; and Lleida Latin American Film Festival.

Spain has not signed any co-production agreement with any Cariforum country of the EPA. It has only signed an agreement with Cuba (not a member of EPA).

<sup>209</sup> Acta de la VII Reunión de la Comisión Mixta Hispano-Dominicana de Cooperación, p.33

<sup>210</sup> [http://www.aecid.es/web/es/cooperacion/coop\\_cultural/documentos/Red\\_de\\_centros/planes\\_de\\_centros/](http://www.aecid.es/web/es/cooperacion/coop_cultural/documentos/Red_de_centros/planes_de_centros/)

<sup>211</sup> Acta de la VII Reunión de la Comisión Mixta Hispano-Dominicana de Cooperación, p.32.

<sup>212</sup> <http://www.aecid.es/web/es/que-hacemos/cultura-ciencia/Patrimonio/Presentacion/>

<sup>213</sup> Grants for cultural cooperation with Latin America: <http://www.mcu.es/cooperacion/SC/becasAyudasSubvenciones/index.html>

<sup>214</sup> <http://www.mcu.es/cooperacion/CE/Internacional/ProgramaFormacion.html>

<sup>215</sup> <http://www.casamerica.es/>

<sup>216</sup>

[http://www.juntadeandalucia.es/cultura/web/areas/cooperacion\\_cultural/sites/consejeria/areas/cooperacion\\_cultural/cooperacion\\_internacional](http://www.juntadeandalucia.es/cultura/web/areas/cooperacion_cultural/sites/consejeria/areas/cooperacion_cultural/cooperacion_internacional)

<sup>217</sup> <http://www.americat.net/ameca/servlet/Controller?action=CliLoadAjuts&lang=es>

<sup>218</sup> <http://www.programaibermedia.com/langes/index.php>

### 5.2.6. United Kingdom

The UK development agency, DFID, has undertaken steps to assist in the implementation of the EPA. It has supported the set up of implementation units in the Caribbean Community (CARICOM) Secretariat in Georgetown, Guyana, and in Grenada and Antigua and Barbuda.

The UK wishes to improve the environment for business, the region's investment climate and reduce overall red tape. In Guyana, for example, the UK is supporting the establishment of a single window for international trade transactions which should lower the costs and time to export goods to the EU. They also support the private sector through a regional Challenge Fund, co-financed with the Inter-American Development Bank and the Canadian International Development Agency.

In this context, two projects have been launched:

The “**Caribbean Aid for Trade and Regional Integration Trust Fund (CARTFund)**,” to support the implementation of the Caribbean Single Market and Economy (CSME) and of the EPA<sup>219</sup> and “**Compete Caribbean**” aimed at improving private sector competitiveness and access to markets in selected sectors.

The main existing fund that could help the cultural sector in the Cariforum countries is “Compete Caribbean”. This is a joint DFID/IDB/CIDA<sup>220</sup> programme. Within this programme, there is scope for strategy development support, relevant business environment reform support as well as Challenge Fund financing for specific firms and clusters with innovative projects with good growth potential. Individual firms/entrepreneurs/clusters may be able to get funding for innovative ideas within the sector under the Challenge Fund, which could provide critical seed funding.

The CARTFund mentioned above is managed by the Caribbean Development Bank (CDB) and has been set up to support the EPA implementation and regional integration in the Cariforum countries. Within the existing approved projects there is some support for the cultural industries - e.g. support to service coalitions/ service sector development in the region (Dominica, Belize, Jamaica and St. Lucia), as well as specific support to the Trinidad and Tobago Coalition of Service Coalition to access specific markets in Europe for priority sectors (including cultural services) and sharing these lessons in the region, under the European Union Market Access Documentaries project.

Depending on the emerging results from existing programmes of the UK government some additional funding may be made available for the cultural sector within the 2011-2015 envelope for the wealth creation pillar within their regional framework<sup>221</sup>.

Regarding the broader development cooperation agenda of the UK, there are already links for cooperation and exchanges between cultural professionals. At present the UK does not have any specific plans to further develop cultural cooperation with Cariforum countries. Jamaica and Barbados are the Cariforum countries mainly addressed by UK's in its development cooperation programme, but these programmes do not include strands for cultural cooperation.

In the audiovisual sector, the UK is the only EU Member State to have signed a bilateral co-production agreement with a Cariforum country, Jamaica. The treaty came into force on 19 November 2007, before the EPA was signed.

<sup>219</sup> <http://projects.dfid.gov.uk/project.aspx?Project=114489>

<sup>220</sup> DFID (Department for International Development), IDB (Inter-American Development Bank), CIDA (Cultural Industries Development Agency).

<sup>221</sup> Information provided by Iain Mansfield, Policy Lead, EPAs, Trade Policy Unit, UK, 6 May 2011.

So far this agreement has not produced any concrete results. Some cultural professionals from Jamaica pointed out the problem was that British film producers would lose their UK tax credits if they filmed in Jamaica and that the Jamaican government did not offer any incentives which would compensate this loss<sup>222</sup>. The Jamaican government had consequently been encouraged to put an incentive package for local investors in place, as funding for co-productions had to come from both Jamaica and the UK<sup>223</sup>. In addition, Jamaican film producers commented that they did not know how to proceed with the co-production agreement and that they did not understand the details of the agreement. But most importantly they did not have sufficient resources to enter into a co-production arrangement with their UK counterparts<sup>224</sup>.

### Commonwealth programmes

Cariforum countries that are a member of the Commonwealth could benefit from its programmes for the cultural practitioners. The Commonwealth Foundation recently launched a regional initiative namely the Creative Industries Exchange. This is an exchange network for the Caribbean creative industries set up in 2008 by the University of West Indies and UNESCO<sup>225</sup>. Cariforum artists could also benefit from other programmes such as the “Commonwealth arts in residence”<sup>226</sup>.

Cariforum artists of the Commonwealth can also take part in the Arts and Crafts Awards to help winning artists exploit their art in other Commonwealth countries by working alongside other artists or in arts institutes.

## 6. Implementation of EPA cultural provisions by Cariforum countries

### 6.1. Support to cultural industries in the Cariforum countries

The importance of the cultural sector to the economy of the Cariforum country economy has been growing in the last couple of years. The global demand for Caribbean culture and creative goods and services has gone up and provides good returns on investment with examples of literary works, fashion, festivals, world music. Also the Diaspora is generating demand for domestic & regional content and providing bridges to international markets. Finally, new markets are emerging for the Caribbean: electronic communities, intra-regional markets, South-South markets, and cultural/heritage tourism. A good example of this is the Caribbean festival tourism, and the economic contribution of the Diaspora to Caribbean carnivals in the EU (i.e. in London)<sup>227</sup>.

A number of studies have been carried out on the potential of the creative industries for the region by UNCTAD<sup>228</sup>, Carib-Export, TIDCO, the Commonwealth Secretariat, and the IDB.

<sup>222</sup> Information provided by Katrine Smith, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>223</sup> Keith Nurse, Overview of the Cultural Industries in CARICOM: Trade and Development Challenges, October 2006, p. 70.

<sup>224</sup> Information provided by Katrine Smith, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>225</sup> <http://www.creativeindustriexchange.com/>

<sup>226</sup> <http://www.commonwealthfoundation.com/Howwedeliver/Prizes/CommonwealthConnections>

<sup>227</sup> Intellectual Property Rights and the Cultural Industries in CARICOM, Dr. Hilary Brown, CARICOM Secretariat, World Intellectual Property Day Guyana, 26 April 2010, p. 12

<sup>228</sup> UNCTAD, Creative Economy Report 2008, [http://www.unctad.org/en/docs/ditc20082cer\\_en.pdf](http://www.unctad.org/en/docs/ditc20082cer_en.pdf)

Also Caribbean Regional Negotiating Machinery undertook a study on creative industries in the Caribbean with the support of ProInvest (Trinnex programme)<sup>229</sup> and organized a workshop on the impact of trade & technology on the Caribbean Creative Industries in Port of Spain, on October 28-29, 2004.

Likewise, several forums have been organised, such as the Cariforum-EU Business Forum that took place in Bridgetown, Barbados, on 24-25th November 2008<sup>230</sup>. It made recommendations on how to organise the creative industries for sustainable export.

Regionally, the Caribbean Export Development Agency supports several networks within the creative industries: Audiovisual (through Caribbean Audiovisual Network, CAN), music (through CAMINO), fashion and design (including crafts). This year, it will organise “Design Caribbean” to replace the “Caribbean Gifts & Crafts”<sup>231</sup> trade fair.

In addition, it has also organised a series of activities for the cultural sector financed by the Caribbean Trade and Private Sector Development programme (CTPSDP). For example, contributing to the organisation of the first Caribbean film marketplace in February 2010 in the Caribbean Tales Film Festival, hosting the annual Caribbean Fashion Industry Business Forum, organising the Regional Sector meeting and training on management of co-production agreements in the Dominican Republic, and others<sup>232</sup>.

CARICOM's Culture and Community Development Unit is also involved at a regional level, usually through commissioning studies into various aspects of the creative industries (entertainment, music)<sup>233</sup>.

There are several national and regional film festivals, both important platforms to promote the region's film product e.g. Trinidad & Tobago Film Festival, Barbados Film Festival, Travelling Caribbean Film Showcase, Anima Caribe Animation and New Media Festival, etc<sup>234</sup>.

Some interesting strategies to foster the cultural sector have been put in place by a number of Cariforum countries. Some examples are:

- The Barbados Adaptation Strategy 2006–2014 identifies economic diversification as a major strategic priority. One of the sectors to be developed is the cultural industries<sup>235</sup>.
- In Barbados, although it has film fund, film is eligible for Cultural Action Fund (CAF). It also has a film festival.
- In Jamaica, grants are made available for the Government's Culture, Health, Arts, Sports and Education (CHASE) fund. There is a Jamaican Film Commission and many film festivals are organised. In addition, several clusters in the creative industries have been fostered under the EU/Government of Jamaica Private Sector Development Programme (PSDP) under the 9th EDF: Visual & Performing Arts Jamaica (VPAJ), Jamaica Association of Reggae Industry Artists (JARIA), Jamaican Gift & Craft cluster, and Jamaican Fashion Cluster<sup>236</sup>.

<sup>229</sup> [http://www.crnw.org/index.php?option=com\\_docman&task=doc\\_download&gid=416&Itemid=116](http://www.crnw.org/index.php?option=com_docman&task=doc_download&gid=416&Itemid=116)

<sup>230</sup> Establishment of the EU-Cariforum Business Forum, Outcome of the 1st Forum held in Barbados on November 24-25th 2008, February 2009, p. 22.

<sup>231</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>232</sup> Interview with Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

<sup>233</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>234</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>235</sup> Barbados Country Strategy Paper and National Indicative Programme 2008-2013, p.17

<sup>236</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

The newly elected government of Jamaica made the culture and creative industries one of its national priorities to stimulate economic growth. In addition, at the regional level, Jamaica intends to work closely with Caribbean Export to ensure that the funds for this sector are used strategically<sup>237</sup>.

- Trinidad Tobago has developed a Script Development and Production Assistance Programme (the only dedicated Film Fund in the English speaking Caribbean). There is a Trinidad and Tobago Film Festival and a Culture Fund. There is a Film Desk to assist foreign crews, a publicly funded film company and a publicly funded entertainment company.
- Trinidad and Tobago, for example, has placed culture at the centre of its strategy to diversify its economy. It will adopt a comprehensive approach on how to access new markets abroad, develop capacity-building, improve its branding and disseminate their knowledge and best practices. For example, they are already exporting their knowledge and expertise as organisers of carnivals. They have been involved in the organisation of a number of the opening ceremonies of the Olympic games around the world. The key sectors addressed are music, entertainment, fashion, carnival and animation. Trinidad & Tobago is also developing a national registry where people can consult which cultural industries are available in the country.

The Dominican Republic drafted a new law for the incentive of cinematography<sup>238</sup>.

## 6.2. Implementation measures introduced by Cariforum countries

As mentioned in chapter 4.1. the institutions foreseen in the Cariforum-EU EPA are not fully in place yet and therefore the implementation process is still in an early stage. The Cariforum countries still need to appoint their members to the different committees.

At the meeting of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee held on 12 of April 2011, some reasons were given to explain the delays in the implementation of the EPA by Cariforum countries. One of them was the lack of integration among the Cariforum countries, coordination problems in the region, the difficult situation in Haiti and the delays in forming the delegations for the EPA institutions<sup>239</sup>.

Some Cariforum countries have stressed that they give great importance to the implementation of the cultural provisions of the EPA, such as Jamaica or Trinidad and Tobago. The Jamaican representative has declared that development cooperation in cultural services is a priority for their country.

Jamaica is of the opinion that the EU should provide financing to stimulate **market access activities** for specific cultural sectors to enter the EU. Market penetration activities such as the Fashion Event organised during the Brussels Colloquium in 2009<sup>240</sup> should be reproduced in 2012 in several other European cities (Paris, Milan and London). It should take the form of a pilot project and include several other Cariforum countries (Dominican Republic, Trinidad & Tobago and Guyana for example)<sup>241</sup>.

Jamaica also feels that the EU should fund **matchmaking meetings for companies** of the same cultural sector. These meetings would encourage EU and Cariforum companies to collaborate in a number of pilot programmes to increase the growth and development of the sector. In this context it proposes that the EU

<sup>237</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

<sup>238</sup> Cariforum -EU Business Forum Film & Audiovisual Discussion Paper, November 2008, p. 4.

<sup>239</sup> EU-Cariforum delegation meeting at the European Parliament, 12 April 2011.

<sup>240</sup> On the occasion of the Brussels Colloquium on "Culture and Creation as vectors for development" held on April 2009, some Cariforum countries received funding from the EU to stage a fashion event for the positioning of their top designers in the EU. However, this event has not been repeated again for lack of funding.

<sup>241</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

stages a **major marketplace** for showcasing the cultural products from Cariforum countries. Funding should not only be made available for the organisation of the event but also for the participation of Cariforum artists. The event would bring together Cariforum artists and EU promoters and producers and create a platform for future co-productions. As an example, they suggested the strengthening the regional festival, CARIFESTA, as a marketplace for regional cultural goods and services<sup>242</sup>.

Some authorities in the Cariforum region also stressed that the EU should set up a framework to deal with the immigration issues that create barriers to market access for Cariforum countries. They suggested that the set up of system for the registration of practitioners that are eligible to access EU markets in line with provisions of the Protocol. Registration would become one of the requirements for qualification (including immigration) for market access activities<sup>243</sup>.

For the audiovisual sector, the Caricom Secretariat and the Office for Trade Negotiations were currently elaborating a study for a co-production framework. This study would help to implement the provisions for the audiovisual sector in the Protocol. The overall aim of the study was to:

- prepare a model co-production treaty, taking into account the particular situation of Cariforum States, which could be signed by Cariforum, acting collectively or on an individual basis, with partner States such as those of the EU within the framework of trade agreement or as a standalone co-production agreement; and
- recommend, based on market analysis, a roadmap for the successful negotiation of co-production treaties by Cariforum with the EU Member States, with comparative analysis of the approach to co-production treaty negotiations of different countries.

The output of the study is intended to benefit regional and national policy makers, stakeholders in the Cariforum audiovisual services sector and the negotiators of the Office of Trade Negotiations<sup>244</sup>.

The ACP Secretariat in Brussels is also willing to take some initiatives to help the Cariforum countries implement the EPA. It would like to organise a meeting with the civil society at the regional level in the Cariforum on the implementation of the EPA. This will however not be possible until the relevant structures are in place. In addition, the ACP Culture Observatory has undertaken a pilot study on the cultural sector in Jamaica which has not been published yet<sup>245</sup>.

## 7. Reactions of the cultural sectors

### 7.1. European cultural sectors

Several European organisations of the cultural and creative sectors were contacted for this study (music, audiovisual, performing arts, collecting societies, publishing, broadcasting etc.).

Some of them mentioned that they had been very active during the negotiations of the Protocol on Cultural Cooperation (for example, PEARLE, the Society of Audiovisual Authors (SAA) and *Eurocinéma*). Many

<sup>242</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

<sup>243</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

<sup>244</sup> Interview with Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

<sup>245</sup> Interview with Michèle Dominique RAYMOND, Assistant to the Secretary General, Department of Political Affairs and Human Development, ACP Secretariat, 28 March 2011.



organisations mentioned that they had not followed or been involved in the negotiations of cultural provisions of the EPA such the Federation of European Publishers.

The European organisations that had participated in the negotiations agreed that it was still too early to look at the impact and the results of the Protocol, as the structures had not been established to implement the cultural provisions of the EPA. They emphasised the need for political will of both the EU Member States and the Cariforum States to work together under this umbrella and to implement the Protocol. All the more so as the EPA did not have a specific implementation Committee for the Protocol, as was the case for the Protocol on Cultural Cooperation of the EU-Korea FTA<sup>246</sup>.

As regards the Protocol provisions for the audiovisual sector, the SAA stated that the audiovisual sector of the Cariforum countries needed to push harder to start cooperating with the European audiovisual sector.

The European Broadcasting Union<sup>247</sup> pointed out some measures that could help the Cariforum countries benefit from the audiovisual provisions of the Protocol, such as:

- improve access of the Cariforum countries to audiovisual market places in the EU, such as the Cannes Film Festival;
- strengthen the promotion and distribution capacities of their audiovisual industry;
- develop strands within the MEDIA programme for dubbing and subtitling to improve the circulation of audiovisual works, and
- focus on training for TV and radio rather than cinema, since these sectors were better structured and more stable in the Caribbean countries and more financially viable.

*Eurocinéma* agreed that the true audiovisual asset of the Cariforum countries is its broadcasting sector. It is still viable to produce local television programmes for local viewers, but is very expensive for the Cariforum countries to produce feature films and obtain the necessary financing. The people in the Cariforum countries watch a lot of US television programmes and films for free, making it difficult for local broadcasters to obtain income from advertising to finance the production of films. They also stress the importance of overcoming regional fragmentation and the need to develop the cultural sectors in which the Cariforum has a competitive advantage, such as for example the music industry. The simplification of the visa requirements needs to be one of the measures required to implement the Protocol, as for artists it is crucial to have a personal exchanges. Some of their other recommendations include measures to:

- provide facilities to develop Cariforum's own cultural agenda
- help the cultural sector join forces between islands to facilitate exchanges between the Cariforum region and exchanges with the EU
- provide funds for film festivals for European and Cariforum films set up web communities for artists
- establish a single school for cultural industries
- develop clusters for training.

PEARLE, the Performing Arts Employers Association League Europe, mentioned the need to disseminate more information on the Protocol so that the cultural sector in the EU and the Cariforum countries were aware of it and could understand what it meant in practice. They suggested doing this, for example, through the UNESCO units.

<sup>246</sup> Interview with Cécile Despringre, Executive Director, Society of Audiovisual Authors, 3 February 2011.

<sup>247</sup> Interview with Nicola Frank, European Broadcasting Union, 7 February 2011.

PEARLE organised a seminar on the mobility of artists in the live performance sector on 5 October 2010 in Brussels. It has also worked on a proposal to ask each EU Member States to set up a mobility contact point for cultural practitioners in their country. The contact points would give information on how to obtain a visa, the European market and the funding possibilities<sup>248</sup>.

In line with this proposal, the Council of Ministers for Culture recently adopted on the 21 of April 2011 the Council Conclusions on “mobility information services for artists and for culture professionals”<sup>249</sup>. The conclusions state that “*since a number of the artists living and working in Europe are third-country nationals, special attention could be paid to their specific needs*”.

This is an interesting initiative for the cultural sector of the Cariforum countries cultural sector since these mobility contact points in EU Member States will be able to provide them with useful information.

The European Society of Authors and Composers, GESAC, stressed that although most of Cariforum countries do not have well developed organisations for the management of copyrights, they are very creative and this would allow the EU and Caribbean countries to cooperate. GESAC identified several possible ways of collaboration between the EU and the Cariforum countries:

- supporting the creation or strengthening of the existing collective rights management societies in the region;
- setting up initiatives to reinforce cultural exchanges between Cariforum countries and European territories in the region (notably Martinique, Guadeloupe and French Guyana);
- introducing the resale right for works of art<sup>250</sup>.

The European Musicians’ Union stated that they had not been particularly involved in activities in the Cariforum countries<sup>251</sup>, mainly due to the low level of collective organisation of musicians in the Cariforum countries.

## 7.2. Cariforum cultural sectors

There are a number of problems that make it difficult for the cultural sector in the Cariforum countries to contribute to the implementation of the cultural provisions of the Cariforum-EU EPA:

1. weak organisation of the cultural sector
2. lack of knowledge of cultural practitioners of how to benefit from the cultural provisions
3. absence of information on market access requirements and opportunities in EU Member States and Cariforum countries
4. need for support to overcome structural problems of the sector in the Cariforum countries
5. difficulty to meet the requirements of provisions for the audiovisual sector.

In this section we will review these problems and suggest some measures that could be taken to overcome them.

<sup>248</sup> Interview with Anita Debaere, Director, Performing Arts Employers Association League Europe, 19 April 2011.

<sup>249</sup> Council of the European Union, Draft Council conclusions on mobility information services for artists and for culture professionals, Brussels, 19 April 2011.

<sup>250</sup> Information provided by Martine Rezzi, GESAC (European Grouping of Societies of Authors and Composers), 18 April 2011.

<sup>251</sup> Information by Thomas Dayan, Assistant General Secretary, International Federation of Musicians, 20 April 2011.

### 1. Weak organisation of the cultural sector

The organisation of the cultural sector in the Cariforum countries is still in its infancy. Some pan-Caribbean organisations have been developed for specific sectors with a view to articulate private sector driven developments and promotional strategies, such as:

- Caribbean Audiovisual Network
- Caribbean Fashion Industry Network
- Caribbean Music Industry Network Organisation
- Caribbean Design Network
- Caribbean Publishers Network, etc.<sup>252</sup>

These organisations are still not very active and capacity building programmes should therefore be made available to strengthen the organisation of the cultural sector in the Cariforum (such as the EU “Investing in People” programme, the ACP Culture projects and some Member States’ cultural cooperation projects).

### 2. Lack of knowledge of artists and cultural practitioners of how to benefit from the cultural provisions

According to the interviews held with the Cariforum cultural sector, it seems that artists and cultural practitioners in the region are well aware of the Protocol (in particular the audiovisual, music and festivals sector)<sup>253</sup>. However, there is a lack of understanding on how it could be used and this seems to be a major drawback for the sector to be active in its implementation.

The cultural professionals in the Cariforum are of the opinion that the priority action of the EU and its Member States should be the translation of the Protocol into language that the creative practitioners and other stakeholders can understand.

Training should be provided on what exactly the EPA means, what it involves and how Caribbean enterprises/artists could benefit from it. They think that this should not only involve creative professionals but also national bodies, regional entities as well as networks and professional associations. The same training should be provided by the embassies and high commissions of the EU Member States to their existing and newly-appointed staff members.

The Cariforum artists and cultural professionals were also of the opinion that it would be useful to facilitate linkages between the Caribbean and EU contact points that have responsibilities to facilitate the EPA’s implementation<sup>254</sup>.

### 3. Absence of information on market opportunities in EU Member States and Cariforum countries

Caribbean professionals find that there is a lack of pertinent and up-to-date information on the market conditions and opportunities across the EU.

It would be advisable that each EU Delegation in the Caribbean region and also the EU Member States would have a contact desk or information point as well as a section on their website with information on the Protocol on Cultural Cooperation and related matters (visa policy and work permits for artists, available cultural cooperation programmes, related events, follow-up of its implementation, etc.)

<sup>252</sup> Interview with Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

<sup>253</sup> Interview with Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

<sup>254</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

Both Cariforum and EU institutions also needed to provide information on markets and on the regulatory environment for the cultural sector.

Another concern is that some professional standards are lower in some disciplines in the Caribbean region or at least being perceived as such<sup>255</sup>. Therefore, it would be useful for the EU to provide guidance on the features to be included in training programmes and qualifications so that Cariforum artists could assess whether their qualifications were compatible.

4. Need for support to overcome structural problems of the sector in the Cariforum countries.

One of the problems of the culture and creative industries in the Caribbean is the lack of differentiation. A practical way to address this structural disadvantage would be to provide financial support to artists for training in Europe. For example, the fashion designers need internships in international fashion institutes<sup>256</sup>.

Likewise, technical assistance is required to increase the capacity to apply for funding to ensure that also the Cariforum cultural sector can benefit from the programmes made available by the EU and its Member States. According to some experts of the Cariforum cultural sector, the EU and its Member States should make available external assistance to address the business needs of the creative professionals (e.g. market analysis and market penetration (including trade shows), support for packaging, branding, marketing and sales, and other elements for business development).

Finally, it is important that the EU and its Member States make more funding available to facilitate exchanges between Cariforum artists and European artists. Currently, several European embassies are supporting cultural activities in the Cariforum countries (for instance by bringing musicians or a dance or theatre group to a Cariforum country for a few days). This enables European artists to get involved in outreach activities throughout the country. Of course these activities are short-term and limited to the framework of the Embassy's action and serve mainly the promotion of EU artists in Cariforum countries rather than facilitating access of Cariforum creative professionals to the EU Member States<sup>257</sup>.

5. Difficulty to meet the requirements of the provisions for the audiovisual sector

Audiovisual professionals felt that the minimum financial contribution of 20% to be funded by the Cariforum partner to allow a co-produced audiovisual work to be considered a "European work" for the EU market was still a very difficult target to meet.

## 8. Conclusions and recommendations

### 8.1. Main conclusions

It is still too early to fully assess how the EU and its Member States have implemented the cultural provisions of the Cariforum-EU EPA. There are five main reasons for this:

<sup>255</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

<sup>256</sup> Information provided by Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

<sup>257</sup> Information provided by Katrine Smith, Director, Visual & Performing Arts Jamaica, 7 March 2011.

1. Most EU Member States and Cariforum countries have still not ratified the EPA. The EPA is being provisionally applied since December 2008, but as long as EU Member States have not ratified the EPA, we have observed that their ministries have been less inclined to take any specific measures to implement the cultural provisions of the EPA. The eight EU Member States interviewed had not adopted any specific measures to implement the cultural provisions of the EPA yet. Existing or upcoming measures were not a result of the EPA, but rather a continuation of their existing cultural cooperation policies with third countries.
2. Most EU Member States consider the Protocol on Cultural Cooperation to be a set of “best endeavours” and not a “legally binding instrument”. This position has impeded Member States to have a closer look at the provisions of Protocol and draw up an action programme to implement its provisions.
3. No specific funds have been set up at EU or national level to support the implementation of the cultural provisions of the EPA. Some support could be found in the existing cooperation and culture programmes of the European Commission as well as the EU Member States (see Annex IV and V).
4. The four joint institutions established by the EPA are still not fully set up or operational. This has also lead to a delay in the discussions between the EU and the Cariforum on the implementation of the cultural provisions of the EPA. The first meeting of the Trade and Development Committee is planned for the 9-10 June in Barbados and will look at the development of a monitoring system for the EPA implementation. It will also be the first time that the implementation of the Protocol on Cultural Cooperation will be examined by the EU and the Cariforum countries. Also the visa regulations for the citizens of the Cariforum countries are on the agenda of the Trade and Development Committee.
5. There is a lack of awareness on the side of the European cultural sector of the potential opportunities to cooperate with the Cariforum cultural sector. Thus, little pressure of the European sectors on their governments to take action and encourage new funding opportunities or cooperation activities.

The visa policy of EU Member States is important for cultural operators of the Cariforum countries since it has an impact on their capacity to benefit from the provisions of the EPA. Although the EPA as a trade agreement does not contain any provisions concerning the migration and visa policies of the EU and its Member States it is a question that needs to be discussed in the upcoming meetings between the European Commission and the Cariforum countries.

## 8.2. Recommendations

The fact that the EU, the EU Member States and the Cariforum countries are still in the early stages of implementing the cultural provisions of the EPA, also has some benefits. It leaves room to make recommendations to deal with a number of the conclusions mentioned above. Below we have listed 29 recommendations – they have been divided into four categories: 1) Actions and measures to be taken by the European Commission; 2) Actions and measures to be taken by the EU Member States; 3) Actions and measures to be taken by the Cariforum countries; 4) Strategy Plan to set up a platform for the culture and creative industries.

### 8.2.1. Actions and measures to be taken by the European Commission

1. The European Commission should set up an **implementing body** for the Protocol. Such body is being already envisaged by DG EAC. It could be composed of representatives of the Caricom secretariat, DG Trade, DG Information Society and DG Education and Culture and it would take the form of a task force or an implementing committee.
2. The European Commission should organise an **EU-Cariforum Year** on Cultural Cooperation and Trade Development. Such a year could lay out a roadmap for better cooperation and include a wide variety of events to be held in the EU and the Cariforum.
3. The Culture Programme of DG EAC of the European Commission should select the Cariforum region as its **next “special action” programme** for third countries.
4. More information on markets and the regulatory environment in the Cariforum needs to be made available to EU cultural professionals. A mapping on the cultural industries in the Cariforum and the EU should be carried out, building up on previous studies on the characteristics of the cultural sector in the region. Such a mapping would have to focus on identifying the cooperation opportunities, developing a database with the main stakeholders, and outlining possibilities for cultural operators to have access to funds.
5. Cariforum countries and the EU should organise fairs and events for the private sector to make the European sector aware of the capacity of the Cariforum’s cultural sector in the EU and the Cariforum countries. EU Funding should be made available to carry out further research on the opportunities for the European cultural sector in the Cariforum countries.
6. The EU and the Cariforum should organise **talent exchange programmes**.
7. Funding programmes for cultural sector of the Cariforum countries should be increased. For example the 11<sup>th</sup> EDF (2014 – 2020) should also be used to increase the funding programmes for cultural sector of the Cariforum countries.
8. New support programmes or existing support programmes should also allocate funds for capacity building of the Caribbean cultural sector. The cultural and creative sector of the Cariforum countries need to be better informed of the existing EU programmes and it is also important that the professionals know how to make applications for EU calls for proposals.
9. INTERREG funding should be explored to increase cooperation between the Outermost regions of the EU such as Guadeloupe, French Guyana and Martinique and the Cariforum countries in the cultural sector.

### 8.2.2. Actions and measures to be taken by the EU Member States

10. Member States should set up **task force** in their ministries to examine in more detail how they could implement the cultural provisions of the EPA. They should clarify which existing funds could be used and discuss the possibility of developing new measures in the near future that would be specifically focus on the Cariforum countries. If Member States have funding programmes that address various developing regions in the world, particular attention should be given to cooperation with the Cariforum countries.

11. Member States should make their cultural sector more aware of the existence of the cultural provisions of the EPA and inform them how they can use the existing national instruments to improve cultural cooperation with the Cariforum countries.
12. The cultural and creative sector of the Cariforum countries need to better informed of the existing national programmes. As well as the practical steps they need to take if they provide an entertainment service in an EU Member State or participate in a cultural exchange programme. In this respect the mobility contact points that Council of Ministers for Culture recently included in its conclusions could be very helpful starting point.
13. Each EU Delegation and the embassies of the Member States in the Cariforum countries should have a contact desk or information point as well as a section in their website with information on cultural provisions of the EPA and related matters (visa policy and work permits for artists, available cultural cooperation programmes, related events, etc.).
14. Co-productions of audiovisual works should be stimulated by developing links between European and Caribbean artistic and creative resources. For this it would be desirable to organise festivals, seminars and similar initiatives”.

### **8.2.3. Actions and measures to be taken by the Cariforum countries**

15. A number of Cariforum countries have developed strategies to strengthen their cultural sector (such as Barbados, Jamaica, Trinidad & Tobago, Dominican Republic and the OECS). Other Cariforum countries should be encouraged to do the same. This will allow all Cariforum countries to better integrate the cultural sector into their strategies to implement the EPA.
16. The Cariforum countries still have to complete the appointment of their representatives to a number of committees foreseen in the EPA. They should also ensure that a representative of the cultural sector is appointed to the Consultative Committee - this representative should have a regional outreach.
17. There is a need to improve the organisation of the cultural sector in the Cariforum countries, by creating industry associations, and introducing industry standards and regulations.
18. Regional cooperation between the different cultural sectors is of the utmost importance to strengthen the branding and image of the Caribbean culture and creative industries. The region should for example establish a pan-Caribbean Trade Association for the creative industries.
19. It is necessary to identify the competitive advantage of the cultural sector in the Cariforum region and focus on it. It is important that the Cariforum countries build up on existing experiences in exporting their knowledge and best practices in the cultural sector. (For example Trinidad & Tobago has excellent know-how and skills for the organisation of carnivals).
20. Cariforum countries need to inform the European film industry of the benefits of producing audiovisual works in the Cariforum countries or entering into co-production with their producers: the facilities available on their territories, the existence of post- production industries, tax shelters, etc.
21. Cariforum authorities should then negotiate co-production agreements with EU states or groups of states in order to benefit from the provisions for audiovisual co-production embodied in the Protocol on Cultural Cooperation.

22. EU Member States consider the Protocol to be a demand driven exercise. It will be important for the cultural and creative industries of the Cariforum countries to indicate to the individual EU Member States and the European Commission the areas where they would like to cooperate with the EU. The culture and creative industries should be pro-active a draw up a wish list and as well as a roadmap.
23. The Cariforum should also launch an **online Entertainment and Arts Industry Portal** in order to offer a directory of creative people.
24. Cultural cooperation between Europe and the Caribbean will also have to develop at grassroots level. It is important that the cultural sectors on both sides start contacting each other and defining areas of potential cooperation. This will lead to better engagement and presentation of concrete projects for cooperation to be financed by the EU or the EU Member States. The role of the Caribbean Diaspora is important in this context.
25. Cariforum cultural sector should be more active in applying to calls for proposals of DG AIDCO for the cultural sector.
26. Support should be provided to the cultural sector, in particular to prepare them for international cooperation. A number of specific tools could be developed to encourage exports and the provision of services in the EU – such as scouting missions, gathering of market intelligence, collective representation in international fairs etc.
27. Regional cooperation should be fostered also between creative Caribbean cities. **A pilot project linking a number of cities of the different Cariforum countries should be set up.** Such a project will enable the creative and culture industries to have a platform to exchange experiences and best practices and discuss cooperation opportunities. It will also allow each city to promote its culture and creative sector and learn from each other. The cooperation among cities will also give the Cariforum the means to better brand itself as a “Creative Region” in the EU and discuss joint initiatives to promote the Caribbean region at international trade fairs and fora.
28. A second stage of the pilot project could consist of linking the creative cities of the Cariforum to a number of creative cities in the EU. Such direct links between Cariforum and EU cities could jump start cooperation between the EU and the Cariforum countries in the cultural and creative sectors. Dealing with cities has the advantage that you can cover a wide range of sectors and deal with governmental entities that are well aware of cultural activities taking place in their territory. The advantage of cities is also that many creative cities in the EU have used the culture and creative sector to boost their local development and attract more investments to their cities. But mostly importantly they have used it to create a better life for their citizens.

#### **8.2.4. EU-Cariforum Platform for the Culture and Creative Industries**

29. To stimulate business cooperation and cultural exchanges between the EU and Cariforum culture and creative sector **a platform** should be set. The culture and creative industries could come together to have an exchange of views on their respective markets and discuss potential business opportunities. A strategy plan to set such a platform would have the following features:
  - Gather and identify European and Caribbean stakeholders interested in the development of B2B activities with a view to finding cooperation partners.



- Involve public authorities in charge of implementing cultural policies and managing public funds for culture to enable a policy dialogue
- Closely associate European and Cariforum cities to consider cooperation opportunities
- Identify areas of research and studies, for instance in relation to the conditions to promote investment in local creative districts in Cariforum countries
- Organise a first face-to-face meeting between policy makers and creative industries to discuss the conditions needed to business cooperation
- Organise mission visits to creative cities in the EU and the Cariforum countries
- Consider the organisation of pitching events, branding the initiative, in selected festivals, that could take the form of government-backed specific industry missions
- Consider funding the participation of 10 Cariforum companies to important international trade fairs in the EU (establish a tendering process to select the best projects across sectors).
- Develop a communication strategy to reach SMEs in Europe and Cariforum (website and an annual conference in Europe and Cariforum on the topic of CCIs and publication of guides on investment opportunities).
- Associate other relevant partners such as the SME helpdesks in the activities to disseminate information and co-fund activities.

## Annex I : UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

The UNESCO Convention includes under Section IV of the text rights and obligations that are particularly important in the field of international relations:

Article 12: Promotion of international cooperation

- a) facilitate dialogue among Parties on cultural policy;
- b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;
- c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;
- d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;
- e) encourage the conclusion of co-production and co-distribution agreements

Article 13: Integration of culture in sustainable development

Article 14: Cooperation for development

- a) strengthening of the cultural industries in developing countries (...),
- b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources (...),
- (c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;
- (d) financial support (...)

Article 15: Collaborative arrangements, including the development of partnerships to enhance the capacities of developing countries.

Article 16: Preferential treatment for developing countries, including for artists and cultural professionals as well as for cultural goods and services from developing countries.

Article 18: International Fund for Cultural Diversity

Article 19: Exchange, analysis and dissemination of information

Besides, Section V includes provisions of the Convention's relationship to other instruments: mutual supportiveness, complementarity and non-subordination (article 20), and international consultation and coordination (article 21), which includes the promotion of Convention objectives in other international forums.

## Annex II Parliamentary questions in relation to the implementation of the cultural provisions of the Cariforum-EU EPA

Question for written answer posed to the Commission on 14 February 2011 by David Martin, Chairman of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee:

- What steps have been taken by the Commission and Member States to implement the Protocol on Cultural Cooperation to the EU-Cariforum Economic Partnership Agreement? Is the Commission preparing new programmes or strategies to meet its obligations under the protocol?
- What is the status of advancement in the implementation by EU Member States of the market access provisions for entertainment services embodied in the EPA?

Answer given by Mr De Gucht, Commissioner for Trade, on 10 May 2011 on behalf of the Commission:

- The Parties to the Cariforum-EU Economic Partnership Agreement (EPA) – the EU and its Member States on the one hand, and Cariforum States on the other - signed the EPA in October 2008. The Parties have been provisionally applying the agreement, in accordance with EPA Article 243, since 29 December 2008, while they complete their ratification processes. A notice confirming provisional application was published in the EU's Official Journal on 31 December 2008<sup>258</sup> (reference number L 352/62). This includes relevant market access provisions for entertainment services.
- In the coming months, the Commission will submit a first proposal to its Cariforum partners on monitoring the EPA's application and impact, and will discuss it with them. Such monitoring would cover market access, including for entertainment services. As for the Protocol on Cultural Cooperation, the Commission is working in several ways to implement it. First, by seeking a date for the first meeting of the Cariforum-EU Trade and Development Committee, the body which monitors progress in implementing the EPA, and requesting that cultural cooperation be added to the agenda.
- Secondly, the Commission and the European External Access Service (EEAS) Delegation in Port of Spain organised a regional seminar for the Caribbean business community on 4 and 5 April 2011. This was intended to help Caribbean businesses take advantage of the opportunities which the EPA offers them. It included a workshop focusing specifically on culture and the arts. Participants included Josanne Leonard, a well-known producer, event manager, broadcaster, and radio and television producer, who has led regional arts policy initiatives in the past.
- The group mentioned the need for the EU to further sensitise its own delegations and Member States' embassies in the region about the EPA's entertainment and arts provisions, and to make it easier for people working in the sector to travel to the EU on business. The group also recommended that the region establish a pan-Caribbean Trade Association for the creative industries; launch an online Entertainment and Arts Industry Portal; and organise a Caribbean Arts & Entertainment Convention (for which plans are already in place), where Caribbean events and festival organisers, venues, arts organisations and individual could promote their products and services in person to their counterparts from the EU.

<sup>258</sup> Notice concerning the provisional application of the Cariforum-EC Economic Partnership Agreement, OJ L 352, 31.12.2008.

- Third, the EU has in fact already made it easier for people from the Caribbean, including those working in the arts and entertainment industries, to travel to the EU on business. It has done so in two main ways. Firstly, the EU has simplified the mechanics of applying for a Schengen visa. This follows new rules on issuing such visas (Regulation (EC) 810/2009)<sup>259</sup> which came into force in April 2010. For example, some people who are known to consulates for their integrity and reliability may now be exempt from personal appearances or from having to present certain documents. Consulates may also waive or reduce the visa fee when the visit in question serves certain interests, including cultural and sporting ones.
- The EU has taken careful note of Caribbean countries' request that the EU waive its visa requirements altogether. The EU regularly reviews this possibility and has already responded positively. In 2006, the EU amended the rules in question (Council Regulation (EC) No 539/2001<sup>260</sup>) and drew up a list of four countries for which it would waive the visa requirement: Antigua and Barbuda, the Bahamas, Barbados, and St Kitts and Nevis. The EU is now exploring the possibility of adding further countries to this list. This review is proceeding positively, and the EU is due to amend its rules accordingly in the autumn of 2011. This should make it easier still for Caribbean businesspeople in every sector to make full use of the EPA.
- Finally, as the Honourable Member is aware, the EDF and EU budget fund development assistance for both the Caribbean region as a whole and individual Cariforum states. All funds under the current multiannual financial framework have been programmed. On 1 March 2011, the Commissioner responsible for Development announced a new EUR 30 million, African, Caribbean and Pacific States (ACP)-wide programme to continue the Commission's existing support for ACP countries' creative industries ('ACP Cultures' and 'ACP Films'). This will ensure that current programmes have a lasting legacy.

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<sup>259</sup> Regulation (EC) No 810/2009 of Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009.

<sup>260</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001.

## Annex III Chart on implementation of the Cariforum-EU EPA cultural provisions by EU Member States

Country	Status of the EPA	Implementation of market access commitments for entertainment services	Implementation of Protocol on Cultural Cooperation
<b>Belgium</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p> <p>Only the Flemish Community/Region has concluded the procedure (decree of 16 July 2010 published in the Belgian Monitor of 6 August 2010).</p>	<p>Belgium adopted commitments in mode 3 (commercial presence) and for some mode 4 categories (key personnel and graduated interns).</p> <p>Belgium has not adopted commitments in mode 4 for: contractual services suppliers « CSS » and independent professionals « IP ».</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement the market access commitments.</p> <p>Work permit and visa policy - simplified process for artists with an international reputation and their crews for stays less than 3 months.</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>
<b>Denmark</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p>	<p>Adopted commitments in mode 3 (commercial presence) and in mode 4 categories (key personnel and graduated interns and contractual services suppliers).</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>

		<p>requirement).</p> <p>No specific national measures needed to be taken to implement the market access commitments.</p> <p>Visa policy - the Danish Executive Order on Foreigners' Access includes specific provisions for artists and entertainers.</p>	
<b>France</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p>	<p>Adopted commitments in mode 3 (commercial presence) and in mode 4 categories (key personnel and graduated interns and contractual services suppliers).</p> <p>The nationality condition applies when the authorisation is sought for personnel carrying out a management function for a period longer than two years.</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement the market access commitments.</p> <p>Visa policy - an inter-ministerial working group on the circulation of artists was created in April 2010.</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>
<b>Germany</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p>	<p>Adopted commitments in mode 3 (commercial presence) and in mode 4 categories (key personnel and graduated interns and contractual services suppliers).</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>

		<p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement this market access commitment.</p>	
<b>Italy</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p>	<p>Italy's market access commitments apply to commercial presence (mode 3) and temporary movement of natural persons, key personnel and graduated interns and contractual services suppliers (mode 4).</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement this market access commitment.</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>
<b>Netherlands</b>	<p>EPA is provisionally applied.</p> <p>Still in the process of ratification.</p>	<p>The Netherlands made mode 3 commitments and mode 4 commitments for entertainment services.</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement this market access commitment.</p> <p>Since the adoption of the EPA people working in the entertainment sector are now allowed to stay in the Netherlands for 90 days every 12 months period, instead of the usual 60 days.</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>
<b>Spain</b>	<p>Ratification concluded. EPA in force.</p>	<p>Spain made commitments for commercial presence (mode 3) and temporary movement of</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for</p>

		<p>natural persons for key personnel and graduate trainees and contractual services suppliers (mode 4).</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>No specific national measures needed to be taken to implement this market access commitment.</p>	<p>cultural cooperation that could be used.</p>
<p><b>United Kingdom</b></p>	<p>Ratification concluded. EPA in force.</p>	<p>The UK made commitments for commercial presence (mode 3) and temporary movement of natural persons for key personnel and graduate trainees and contractual services suppliers (mode 4).</p> <p>Under mode 4 there are some non discriminatory limitations (ENT and eventually a qualification requirement).</p> <p>The UK Border Agency is considering whether any further changes to the Immigration Rules are needed for the UK to comply with its obligations under this agreement.</p>	<p>Currently, no specific measures are foreseen. Check Annex V for existing instruments for cultural cooperation that could be used.</p>



## Annex IV Chart on EU Programmes that could be used to implement the cultural provisions of the Cariforum-EU EPA

10th European Development Fund						
<b>NIP</b>		<p>Each Cariforum Member State negotiates with the European Commission the areas for which funding will be allocated under the NIP. The current NIPs have already identified the priority actions in their strategy papers.</p> <p>In the Cariforum countries, only Haiti earmarked 3.7 million Euros to support to strengthen culture and the arts for economic and social development, ARCADES project.</p> <p>It should be noted that there is a possibility to include the cultural sector in the NIP under the EDF for the next period 2014 – 2020.</p>				
<b>CRIP</b>	Programmes	Regional Private Sector Programme	Support to OECS integration	Consolidation of CSME	Support to EPA Implementation	Binational Programme Haiti-Dominican Republic
	Counterpart	Caribbean Export	OECS	Caricom Secretariat	Cariforum	National authorities in Haiti and DR
	Amount	28 million	8,6 million (still under negotiation)	20 million (still under negotiation)	47 million (still under negotiation)	22.5 (REG) + 9.5 (Haiti) + 15 (RD)
	Decision year	2010	2011	2011/2012	2011/2012	2011/2012
	Objective	<ul style="list-style-type: none"> <li>a) Enhance competitiveness and innovation</li> <li>b) Promote Trade and Export development</li> <li>c) Promote stronger trade and investment relations among Cariforum and French Caribbean Outermost regions</li> </ul>	<ul style="list-style-type: none"> <li>a) Facilitate the creation of OECS Economic Union</li> <li>b) Policy Development and harmonisation: tourism &amp; agriculture.</li> <li>c) Competitiveness of OECS export sector</li> </ul>	<ul style="list-style-type: none"> <li>a) Consolidate Caricom Single Market and Economy</li> <li>b) Advance Regional and sectoral policies</li> </ul>	<ul style="list-style-type: none"> <li>a) Build regional capacity to honour EPA commitments and to build capacity to take advantage of the EPA</li> <li>b) Develop a Regional Strategy on Trade and Development on EPA implementation.</li> <li>c) Establish the institutional and</li> </ul>	<ul style="list-style-type: none"> <li>a) Support to the development of binational trade in the context of the EPA.</li> <li>b) Strengthen infrastructures related to binational trade.</li> <li>c) Support institutionalised and decentralised binational cooperation.</li> </ul>

		d)Promote stronger trade and investment relations between the Caricom and the Dominican Republic	d)Regional public education programme on OECS integration e)OECS external representation in Geneva f) Strengthen capacity of OECS secretariat		implementation capacities at regional and national level to honour the EPA commitments and to take advantage of the Agreement.	
	Components relevant to the cultural sectors	High potential niche sectors identified by the region strengthened to benefit from EPA provisions. Among them, the fashion and the creative industries.	Community participation: use inclusive approach, maximising community participation and linkages e.g. with cultural industries.		Services sector capacity building	Support to local authorities and civil society through a system of public grants.
<b>ACP-EU Cultural Fund/Programme</b>	Amount	30 million Euros				
	Objectives	<ul style="list-style-type: none"> <li>• creation and production of cultural goods and services in the ACP States in an interregional ACP context;</li> <li>• better access to local, regional, intra-ACP, European and international markets for ACP cultural goods and services;</li> </ul> <p>strengthen the capacities of cultural stakeholders, operators and entrepreneurs in the ACP States.</p>				
	First call for proposals	<p>Open until June 2011. It covers two lots. Lot 1 deals with ACP Films II programme and covers the cinema and audiovisual sector. It has a budget of 7 million Euros. Lot 2 covers ACP Cultures II programme and deals with all cultural sectors other than the cinema and audiovisual sector. It has a budget of 5 million Euros.</p> <p>The specific objectives of this ACP Culture+ call are:</p> <ul style="list-style-type: none"> <li>• support to the production and distribution of ACP cultural goods;</li> <li>• improvement of the policy and regulatory environment for culture;</li> <li>• strengthening of the capacity of institutions in the ACP countries to implement the UNESCO Convention on the Protection and</li> </ul>				

	<ul style="list-style-type: none"> <li>Promotion of the Diversity of Cultural Expressions;</li> <li>set up of an ACP-EU Cultural Programme/Fund in the context of the EU-ACP partnership.</li> </ul> <p>One of the priorities of this call will be to develop actions that specifically focus on partnerships including the Caribbean and/or Pacific regions.</p>
<b>Other Intra ACP</b>	<p>-ACPTrade.com<sup>261</sup> (running until the end of 2012)</p> <p>This programme aims to reinforce the analytical and research capacity for trade policy formulation by providing immediate assistance for ongoing negotiations and promoting activities for institutional support in the area of trade support services to ACP counties.</p> <p>-ACP Business Climate Facility II (BizClim II)<sup>262</sup> – running until 2013.</p> <p>Bizclim II focuses on:</p> <ul style="list-style-type: none"> <li>support and collaboration with Regional Economic Communities (RECs);</li> <li>support to Public-Private Dialogue notably through support to business fora;</li> <li>support to reflection on pertinent themes; and</li> <li></li> </ul> <p>interventions based on a combination of expertise, events and communication.</p>
<b>Development Cooperation Instrument</b>	
<b>Intestin in People</b>	<p>50 million Euro was allocated to the culture strand under the heading "Access to local culture, protection and promotion of cultural diversity".</p> <p>This strand focuses on:</p> <ol style="list-style-type: none"> <li>1) the development of policies that allow better access to and preservation of local culture, and</li> <li>2) offering opportunities for cultural exchange and international cooperation between cultural industries and cultural actors as a way of allowing multicultural and multiethnic dialogues to improve mutual understanding and respect. In addition, it seeks to preserve local and indigenous cultures and values as promising economic sectors for development and growth.</li> </ol>
<b>Non-state actors and local authorities</b>	<p>It aims to encourage non-state actors and local authorities, both from the EU and the developing countries, to get more involved in development issues. It co-finances initiatives proposed by civil society organisations and local authorities from the EC and its partner countries in the area of development. Non-state actors of the cultural sector might get support from this programme<sup>263</sup>, this needs to be investigated further.</p>

<sup>261</sup> <http://www.tradecom-acpeu.org/>

<sup>262</sup> <http://www.acpbusinessclimate.org/BizClim/>

<b>Other EU Programmes</b>		
<b>Education</b>	Erasmus Mundus Programme	<p>Erasmus Mundus is a co-operation and mobility programme in the field of higher education which supports top-quality European master's courses. It also provides EU-funded scholarships for third-country nationals participating in these master courses, as well as for EU-nationals studying at partner universities around the world.</p> <p>It could be used by universities and higher education institutes of the Cariforum countries to provide courses on cultural related issues and stimulate exchange programmes between their students/artists and European studies/artists.</p>
	Intra-ACP Mobility Scheme	<p>The intra-ACP academic mobility scheme supports higher education cooperation between the countries of the ACP. The scheme aims to promote sustainable development and poverty alleviation by increasing the availability of trained and high level qualified professional manpower in the ACP countries.</p> <p>Five annual calls for proposals have been planned (2010 -2014) with a total budget 45 million Euros and an annual budget 9 million Euros.</p> <p>Lot 2 of these calls is focused on the Caribbean and Pacific countries and 2 million Euros has been allocated for 1 project (open to all fields of study)<sup>264</sup>.</p> <p>Higher education institutions training people in the arts and culture are eligible. This programme grants mobility possibilities for students and administrative staff. The first call for proposals was open until the 6 of May 2011.</p>
<b>Culture</b>	Culture Programme	It is also open to collaboration with third countries which have agreed partnership or cooperation agreements with the EC, including cultural clauses.
<b>Youth</b>	Youth in Action programme	<p>The Youth in Action Programme<sup>265</sup> provides mobility projects and opportunities for young Europeans. It also promotes the development of high quality national and local initiatives for young people.</p> <p>Cooperation with CARIFORUM countries is possible under the "Other Partner Countries of the World" category of the programme.</p>
<b>Audiovisual services</b>	Media Mundus programme	<p>It aims to further strengthen co-operation between Europe and third countries in the audiovisual sector by promoting competitiveness of the sector and cultural diversity<sup>266</sup>.</p> <p>The MEDIA Mundus programme foresees 15 million Euros in funding for 2011-2013.</p>

<sup>263</sup> Culture as a Vector for Economic and Social Development, European Commission, November 2009, p. 60.

<sup>264</sup> [http://eacea.ec.europa.eu/intra\\_acp\\_mobility/index\\_en.php](http://eacea.ec.europa.eu/intra_acp_mobility/index_en.php)

<sup>265</sup> [http://eacea.ec.europa.eu/youth/programme/programme\\_guide\\_en.php](http://eacea.ec.europa.eu/youth/programme/programme_guide_en.php)

<sup>266</sup> Commonwealth Foundation, The bigger picture: A Way Forward for Film in the Commonwealth, 2009, p. 25.

	<p>It is focused on three actions:</p> <ol style="list-style-type: none"> <li>1) continuous training;</li> <li>2) distribution, commercialisation and promotion and,</li> <li>3) Building networks among cinemas (to encourage diffusion of movies coming from other countries and vice versa).</li> </ol>
<p><b>EU/UNESCO facility</b></p>	<p>The European Union and UNESCO launched their first joint technical assistance project to contribute to implementation of the UNESCO Convention. Its aims to strengthen the governance for culture in developing countries and reinforce the role of culture as a vector for sustainable development and poverty reduction.</p> <p>It covers technical assistance missions to be undertaken by specialists in cultural policies. The specialists are chosen from a pre-selected pool of experts. The assistance will be based on the needs and priorities identified by beneficiary countries through an application procedure. It will endeavour to support their efforts to:</p> <ul style="list-style-type: none"> <li>- establish legal, regulatory and/or institutional frameworks to develop the culture sector in their country; and</li> <li>- introduce policies that address the role of culture in social and economic development, particularly through the cultural industries.</li> </ul> <p>Although this facility was set up specifically to implement the Cultural and Cooperation Protocol of the EPA, it could be useful for some Cariforum countries to implement the “technical assistance” commitments set in the Protocol: facilitating training, exchange of information, expertise and experiences, counselling in elaboration of policies and legislation and transfer of technology and know-how</p>

## Annex V Chart on National Programmes of the EU Member States that could be used to implement the Protocol on Cultural Cooperation

Country	Culture and development Cooperation	Audiovisual sector
<b>Belgium</b>	<p>French Community cooperation with Haiti under the programme for 2009-2012.</p> <p>Cultural cooperation is mainly based on the exchange of artists (artists in residence in several sectors, music, performing arts, and plastic arts) and the support of circulation of Haitian shows within the Caribbean region.</p>	No bilateral co-production agreements are foreseen.
<b>Denmark</b>	Cooperation in the cultural field is possible by setting up joint projects with the cultural sector in Denmark, which will apply for funds made available by state agencies such as the Danish Centre for Culture and Development.	No bilateral co-production agreements are foreseen.
<b>France</b>		<p>No bilateral co-production agreements are foreseen.</p> <p>Cariforum audiovisual sector could benefit from <i>Fonds Sud Cinéma</i>.</p>
<b>Germany</b>	<p>German Foreign Office makes funding available to support Culture and Media relations with the Caribbean.</p> <p>Within the German projects to support the EPA implementation, the cultural sector could benefit from the programme: "Assisting Regional and National Organisations in the Implementation of the Economic Partnership Agreement in the Caribbean".</p> <p>The Alexander Rave Foundation makes available grants for curators, restorers, museum technicians and cultural managers from developing countries.</p>	<p>No bilateral co-production agreements are foreseen.</p> <p>Cariforum countries could benefit from the World Cinema Fund, a joint initiative of the German Federal Cultural Foundation and the Berlin Film Festival.</p>
<b>Italy</b>	No information available.	No bilateral co-production agreements are foreseen.
<b>Netherlands</b>	<p>In Suriname there are some initiatives which could be particularly useful for the cultural sector:</p> <ul style="list-style-type: none"> <li>-The Centre for the Promotion of Imports from developing countries (CBI)</li> <li>-The programme for Small and Medium Enterprises, Stichting IntEnt.</li> <li>-Private Sector Investment programme (PSI) gives support to innovative business-to-business investment projects.</li> </ul>	<p>No bilateral co-production agreements are foreseen.</p> <p>Cariforum countries could benefit from the Hubert Bals Fund of the International Film Festival of Rotterdam.</p>
<b>Spain</b>	III Master Plan of Spanish Cooperation (2009-2012) has made culture and development	No bilateral co-production agreements are foreseen.

	<p>one of its priorities.  ACERCA Programme (Art, Education and Citizenship)  Bank of Good Practices of Culture and Development Projects (<i>Banco de Buenas Prácticas de Proyectos de Cultura y Desarrollo</i> - BBP)  Heritage protection projects for Haiti, Jamaica and Dominican Republic (<i>Patrimonio para el desarrollo</i>)  "Project for Institutional Strengthening and Capacity-Building of the Cultural Sector in the Dominican Republic"</p> <p>The institution <i>Casa América</i> in Madrid also promotes cultural cooperation with the Latin.</p> <p>Some Autonomous Regions in Spain support cultural cooperation projects in Latin America, such as <i>Casa America Catalunya</i> or the government of Andalucía.</p>	<p>Dominican Republic can benefit from programmes under <i>Ibermedia</i>.</p>
<p><b>United Kingdom</b></p>	<p>The two projects set up to help the implementation of the Cariforum-EU EPA that could be relevant for the cultural sector are:</p> <p>-Caribbean Aid for Trade and Regional Integration Trust Fund  Within the existing approved projects there is some support for the cultural industries, e.g. support to service coalitions/ service sector development in the region (Dominica, Belize, Jamaica and St. Lucia), as well as specific support to the Trinidad and Tobago Coalition of Service Coalition in accessing specific markets in Europe for priority sectors (including cultural services) and sharing these lessons in the region, under the European Union Market Access Documentaries project.</p> <p>-"Compete Caribbean" Programme  Within this programme, there is scope for strategy development support, relevant business environment reform support as well as Challenge Fund financing for specific firms and clusters with innovative projects with good growth potential.</p> <p>Depending on the emerging results from existing programmes, some additional funding may be made available for this sector within the 2011-2015 envelopes for the wealth creation pillar within their regional framework.</p> <p>In addition, Cariforum countries members of the Commonwealth (all the Cariforum countries except for the Dominican Republic, Haiti and Surinam) could benefit from its programmes for the cultural practitioners.</p>	<p>UK is the only EU country to have signed a bilateral coproduction agreement with a Cariforum country, Jamaica.</p> <p>No results can be traced.</p>

## Annex VI List of people consulted by alphabetical order of the first name

The following experts from EU institutions, Member States ministries, Cariforum embassies in Brussels, cultural organisations in the EU and in the Cariforum countries have been consulted between February and May 2011 (through a personal interview, a phone interview or a written questionnaire), namely:

Alexander Walford, DG Trade, 27th April 2011.

Alicia Pindado, Head of Unit, Trade on International Services, Secretary of State for Trade, 1 February 2011.

Anabel Mousset, Ministry for Culture, France, 2 May 2011.

Andrew Dey, Department of Business, Innovation & Skills (DBIS), UK, 25 February 2011.

Anita Debaere, Director, Performing Arts Employers Association League Europe, 19 April 2011.

Anne Julie Schmitt Jensen, Special Adviser, Ministry of Culture, Denmark, 28 April 2011.

Ben Nupnau, DG Trade, 10th March 2011.

Brenda King, President of the ACP-EU Follow-up Committee of the European Economic and Social Committee, 27 April 2011.

Caroline Adriansen, Directorate General for Development and Cooperation – EuropeAid, International Aid and Cooperation Officer, Haiti, Dominican Republic, 27 March 2011.

Cécile Despringre, Executive Director, Society of Audiovisual Authors, 3 February 2011.

Danish Film Institute, 29 April 2011.

Domenico Fornara, Ministry of Foreign Affairs of Italy, 3 May 2011.

Elsa Comby, Centre National de la C, 16 February 2011.

Emilio Cabasino, Secretary General, Coordination and Studies of Ministry for culture, Italy, 28 April, 2011.

Enrico Pavone, Permanent Representation of Italy to the EU, 21 February, 2011.

Eva Oskam, Senior Policy Advisor, Trade Policy & Globalisation Department, Ministry of Economic Affairs, Agriculture and Innovation of the Netherlands, 7 March 2011.

Florence Bouyala-Imbert, Latin America Trade Policy Committee, Services and Investment, Permanent Representation of France to the EU, 24 February 2011.

German Federal Government Commissioner Office for Culture and the Media, 27 April 2011.

Gianni Bonazzi, Director, Service Coordination and Studies of the Ministry of Cultural Heritage and Cultural Activities, 27 April 2011.

Giorgio Ficarelli, Head of Cultural Section, DG Development, European Commission, Hans Juergen-Blinn, Minister for Culture Rheinland-Pfalz, 21 February 2011.

Hélène Herschel, Head of Unit, European and International Affairs, Ministry for Culture of France, 28 April 2011.



Iain Mansfield, Policy Lead, Economic Partnership Agreements, Trade Policy Unit, UK, 6 May 2011.

ICEX (Spanish Institution for External Trade), 4 April 2011.

Isabel Davis, UK Film Council, 3 May 2011.

Jean-Louis Blanchard, Director of audiovisual service at the French Community of Belgium, 11 February 2011.

Kathrin Renner, Delegation of the European Union to Trinidad & Tobago, 27 April 2011.

Katrine Smith, Director, Visual & Performing Arts Jamaica (VPAJ), 7 March 2011.

Louise Wolfson, Centre Coordinator at the Danish Centre for Culture and Development, 27 April 2011.

Margaret King Rousseau, Ambassador of Trinidad & Tobago to Belgium, 28 April 2011.

Martin Hope, Director of the British Council Brussels, 16 April 2011.

Martine Rezzi, GESAC (European Grouping of Societies of Authors and Composers), 18 April 2011.

Nicola Frank, European Broadcasting Union, 7 February 2011.

Sana Ouatchi, DG Education and Culture, European Commission 18 February 2011.

Silke Trumm, Federal Ministry for Economic Cooperation and Development, 26 April 2011.

Sophie Libiou, Committee on Trade Policy at the Federal Public Service Foreign Affairs of Belgium, 3 March 2011.

Spanish Embassy in Jamaica, 20 January 2011.

Steven Edwards, Film and Videogames Branch, Department for Culture, Media and Sport, UK, 3 May 2011.

Steve Green, Team Leader, European Union National Institutes for Culture, EUNIC, 18 April, 2011.

Sydney Bartley, Ministry of Youth, Sports and Culture, Jamaica, 29 April 2011.

Symone Betton, Minister Counsellor, Jamaican Embassy in Brussels, 29 April 2011.

Tina Kristensen, Head of Section The Danish Ministry of Refugee, Immigration and Integration Affairs, 3 May 2011.

Thomas Dayan, Assistant Secretary General, International Federation of Musicians, 20 April 2011.

Tiziana Zugliano, DG International Trade Policy, Ministry for Economic Development of Italy, 9 May 2011.

Tonika Sealy, Senior Services Advisor, Caribbean export development agency, January 2011.

Tzonka Iotzova, European Economic and Social Committee, 8th March 2011.

Valérie Panis, Head of Sector, Culture, Legal Affairs, Trade, development and UNESCO, DG Education and Culture, European Commission, 10 June 2011.

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### **Events attended**

Study Day '5 YEARS AFTER' The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions - At Critical Crossroads, 1 December 2010.

Meeting of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee, European Parliament, 12 April 2011.

Meeting of the European Parliament Delegation to the Cariforum-EU Parliamentary Committee, European Parliament, 1 February 2011.

ACP Cultures Info day, ACP Secretariat, 23 March 2011.



**The European Centre for Development Policy Management (ECDPM) aims to improve international cooperation between Europe and countries in Africa, the Caribbean, and the Pacific.**

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