[DE] Opinion on GATS and Cultural Policy and Subsidies

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Against the background of work on an international standard-setting instrument on cultural diversity, the German Commission for UNESCO has obtained a legal opinion on the impact of the General Agreement on Trade in Services (GATS) on German cultural policy. The opinion begins by outlining the structure of the World Trade Organisation (WTO) and the GATS and goes on to consider the compatibility of various state support measures - such as fees and charges imposed under public law, quotas for film or broadcasting or the system of social security for self-employed artists - with the GATS rules. Also explored are the implications of the ongoing GATS negotiations, in which the European Union's trade partners are urging it to introduce further deregulation in the area of cultural services. The opinion also includes a chapter on the relationship between the planned UNESCO agreement on cultural diversity and the GATS, considering various possible conflicts between the two sets of norms and how these might be addressed under international law. It concludes with a series of proposals for taking appropriate account of cultural concerns in WTO arbitration procedures.

Auswirkungen des GATS auf Instrumente der Kulturpolitik und Kulturförderung in Deutschland, Rechtsgutachten erstellt im Auftrag der Deutschen UNESCO-Kommission von Prof. Dr. Markus Krajeswki, Universität Potsdam unter Mitwirkung von Sarah Bormann und Christina Deckwirth, abrufbar unter:

http://www.unesco.de/c_arbeitsgebiete/kkv_gutachten_zf.pdf

The impact of the General Agreement on Trade in Services (GATS) on German cultural policy, legal opinion prepared for the German Commission for UNESCO by Professor Markus Krajeswki, University of Potsdam, with Sarah Bormann and Christina Deckwirth

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