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Caribbean Export, Caribbean Association of Industry and Commerce (CAC)

"Reaping benefits from EPA:
Promotion and partnerships for the Caribbean Services Sector in the EU markets"

Intervention – Yvon Thiec

I want to thank you for inviting me here today. It is the opportunity for me to continue the interesting dialogue we started with some of you during your visit in Brussels a few weeks ago. It was an interesting, but also frustrating meeting, as we needed to close it very quickly since you had other appointments.

I am not here to do a lecture on what is the European audiovisual sector, but to contribute – with you – about how we could use together the Protocol III¹ on **cultural cooperation** and **partnership** (annexed to the EPA) to the development of your own audiovisual industry. This protocol III is a unique opportunity, since it is the first time that such an arrangement was settled in the framework of an EPA. As you are the first, we need to work quickly to take the potential advantage this protocol could offer.

I have made an assessment of your audiovisual industry based on the study "The cultural industries in Caricom: Trade and development challenges"², which I feel impressive, and this study issued a set of recommendations you need to carefully consider. If I am not wrong, the question you are facing is not only access to European market for your audiovisual content, but due to the scarcity of it, facing ways and means to develop here in our own internal market an audiovisual content capacity.

If the question was only about access to the European market, it would not be so simple to solve it since European content is facing considerable troubles in the access to its own market (for instance, we produced 920 European films last year and only a minority of it trespassed the bottleneck of the theatrical exhibition).

Your problem is deeper.

The situation of your own audiovisual market is characterized by two specificities:

- Fragmentation
- No domestic content

Fragmentation:

Caribbean countries are small populated countries, but there are facing a situation of extreme fragmentation of the audiovisual market, although the majority of countries have a common language (English) and – to a certain extend – share the same cultural and

¹ See annex 1: Protocol III on cultural cooperation attached to the EPA

² The cultural industries in Caricom: Trade and development challenges – report prepared for the Caribbean Regional Negotiating Machinery, November 2006
http://www.crnw.org/documents/cultural_industries/Cultural_Industries_Report_Final_Jan07.pdf

historical roots. This is not that easy to improve the development of a local audiovisual industry (the audiovisual sector supposes economies of scale in order to raise mass investment to produce content).

No domestic content:

Cable distribution is offering hundred of series, TV shows, movies.. but a few domestic production. This means that the investment in local production is very low since to get local production on TV set, cable distributors **must invest** a significant turnover of their income in local production. This is not the case. It is clear that the cooperation agreement on culture settled with the EU will not solve all the problems your audiovisual industry is facing. Although we understand fully your wish, completely legitimate at our eyes that your countries need to offer audiovisual local content to their citizens: this is the right to local expression, to cultural diversity and multiculturalism who appears as a strong claim from emerging countries at global level. With the strong support and participation of Africans and Caribbean countries, the European Union has succeeded to implement at a world level the UNESCO Convention on the protection and promotion of the diversity of cultural expressions who wants to give voice to this.

To a certain extent, the so-called protocol III, annexed to the EPA is a way – in the EU institutions' mind – to give a quick and concrete follow-up to the settlement of the UNESCO Convention.

Solutions to boost and build a comprehensive policy to develop here an audiovisual industry need primarily to be addressed and discussed and fully supported by the Caribbean Government with the aim to develop an audiovisual industry of a certain scale in the context of the internal market provided by the economical integration of CARIFORUM countries. Part of the solution is to be found by yourself and your governments, but **some issues** could be addressed under the Protocol, so that we could work together at a cooperation level. Having assessed the state of your content sector development, I have dressed a list – indicative, non-exhaustive – of the points that could be addressed under the Protocol.

The list is:

1. **Training** in film and audiovisual matters (I put it into brackets "film school", this question needs to be discussed on the opportunity and the way to organize it. It could be a **digital interactive school**, taking profit of ICT).
2. **IPR regulation and enforcement.**
This point needs as well considerations and recommendations on the strategy to enhance IPR. (I am not a partisan to isolate copyright from industrial property for a matter of efficient application in the process of law implementation and enforcement). The assessment has been made of the level of protection of IPR in the study I have quoted supra³. The question is more to define ways and means with your public administration to progress quickly in a comprehensive way on that issue.
3. **Presence abroad.**
In my mind, you need to build networks with the world cinema community by participation to substantive events: film festivals (Cannes, Berlin), audiovisual markets (MIPCom) are a way to network, to learn and to build partnerships in TV and movies.
4. **European Film festival in Caribbean countries** is a way to strengthen the relationships between the two sectors.

³ Supra 'The cultural industries in the CARIFORUM', chapter on intellectual property.

Although the presence abroad needs to be advocated, it is an expensive tool. The idea of an EFF is to build a bridge, not only to bring movies, but also movies directors, producers and artists' performers and share with them the knowledge, network and more (and the cost is on this side very less expensive).

5. Networking

All different ways and means to connect. This seminar today is part of this strategy. Build an internet guide "who is who" in Caribbean audiovisual content sector, is needed as part of this networking.

6. Coproduction.

The Protocol is focusing on coproduction, and this is – at my opinion – need to be clarified. Coproductions in cinematographic and audiovisual sector are not a European competence since it is bilateral agreements under which a state gives advantage to another state and vice-et-versa. A coproduction agreement is sometimes settled for political reasons and their "raison d'être" is therefore sometimes mysterious. Coproduction's agreements working well are those who the two parties are settling adequate money. Let me give you an example: a film costs a minimum of 1 million Euros in Europe. That means that if some of your countries want to coproduce, they need to secure at least 200.000 Euros each two years (20% of coproduction to be done every two years)⁴

The coproduction agreement still existing between some EU and Latin America countries and African countries needs to be scrutinized. Patterns are maybe to be found there to settle for your coproduction tools.

7. Regulatory issue

The best way to get financial resources is to secure that broadcasters are contributing to the financing of the film and audiovisual sector. Incomes coming from TV programs broadcasting be reinvested in production of local programs. Situation here, at the moment, despite a range of numerous cable operators in different countries is dramatic since these cable operators are not broadcasting - or a few - domestic content and are not paying for the rights or better investing in local content.

Jamaïca has settled a law aiming to implement quotas in order to keep a part of the domestic TV market for domestic content. It is a way to secure domestic content on the TV screens and to press broadcasters to finance programs needed. This is the pattern developed in Europe under EC regulation on broadcasting (60% of content need to be of European origin). To fulfill with these objectives, broadcasters need to invest in and broadcast European content.

8. Support.

Various systems of support co-exist. Private or public, and you need to consider which are most adapted to the production in your countries. Your countries are following the same pattern of EU: cooperation and integration between the different countries. Why not to settle a fund for film and audiovisual production funded by all CARIFORUM members, see the case of Eurimages (Council of Europe fund for the co-production, distribution and exhibition of European cinematographic works) http://www.coe.int/t/dg4/eurimages/default_fr.asp where 33 European countries are funding together European cinema.

⁴ It needs also to be noticed here that coproduction agreement do not need to be covered by an EU protocol as the Protocol III, as it is a separate question, completely under the sovereign decision of each state. ACP film financial fund is also nothing new and was open to Caribbean as they are ACP members.

I listed here 8 proposals that need to be addressed. It would be advisable to build a platform to address these different issues.

This will be a mid-term process that needs to be carefully assessed by you before being addressed by your authorities under Protocol III, to discuss a possible EU action.

Annexes:

- Audiovisual Media Services directive:
http://ec.europa.eu/avpolicy/reg/avms/reg/avms/index_en.htm
- Protocol III on Cultural cooperation – JOL289, 30.10.2008