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# ETUCE

## European Trade Union Committee for Education EI European Region

To: Mr. Ignacio Iruarrizaga Díez  
Head of Unit  
Trade in Services  
DG Trade  
European Commission  
BE – 1049, Brussels  
Belgium

Brussels, 2 March 2015  
MR/Ihl/9780

### Subject: Exclude education explicitly from the TiSA negotiations

Dear Mr. Iruarrizaga Díez,

ETUCE, the European Trade Union Committee for Education is the European Region of Education International, the global umbrella organisation of teacher unions. It represents 131 teacher unions in Europe with 11 million individual members from all levels of the education sector i.e. pre-primary, primary, secondary, vocational education and training, higher education and adult education. ETUCE is a social partner in education at EU level and a trade union federation of the ETUC, the European Trade Union Confederation.

We are writing to you to raise our **deep concerns with the proposed Trade in Services Agreement (TiSA)**. We are deeply concerned that the principal aim of further services liberalisation in the TiSA negotiations could pose **potentially serious risks for educational policy, for educational institutions, and for teachers and students**. While we previously have raised our concerns on different occasions including during the civil society dialogue meetings on the TiSA negotiations, I would like to elaborate the issue in further details.

If fully applied to public services like education, trade rules can **severely restrict public policy space and lock-in and intensify the pressures of privatisation and commercialisation**. This explains why education to date remains one of the least-covered sectors in the various trade agreements to which the EU is a party.

We understand, however, that there is renewed pressure from industry lobbyists and some governments to expand the scope of education commitments in the TiSA beyond what has already been agreed in GATS. Similarly, we are aware of the European Commission's request to the EU member states to reconsider and limit the reservations taken in CETA for the TiSA (and TTIP) negotiations. **We urge you to resist these pressures and to take action to fully protect the education sector.**

If public or private education is covered in the TiSA, the consequences would be serious. Rules governing market access could restrict the ability of EU member states to limit the entry and regulate the quality of private and for-profit schools

and institutions. Restrictions or disciplines on domestic regulation could mean that measures adopted to promote high quality standards in licensing and accreditation of educational institutions could potentially be interpreted as a “disguised barrier to trade” or “more trade burdensome than necessary”. The quality and accreditation standards are crucial to ensure high-quality education and therefore such disciplines would pose significant risks to the education sector.

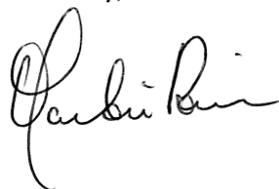
We are **particularly alarmed that TiSA could contain a so-called “ratchet” clause** as in the Canada-EU Comprehensive Economic and Trade Agreement (CETA), which requires the parties to automatically bind any autonomous liberalisation. In practice, that means that if a government were to choose to open up its education sector, in whole or in part, that would then become a binding commitment in the agreement. **Future governments**, even if elected with a mandate to undo such measures, **would be seriously constrained from doing so without paying significant compensation. ETUCE believes that the decisions around public services including education must remain exclusively with the responsible national public authorities.**

ETUCE is strongly committed to high-quality education for all, and we believe that the EU and its member states should press for a **carve-out of education and other vital public services to safeguard quality education.** Current language, such as that in the WTO’s General Agreement on Trade in Services (GATS) that provides an exemption for “services supplied in the exercise of governmental authority” has been shown to be unclear and open to conflicting interpretations. Similarly, the EU approach on publicly funded education services is inadequate to fully protect public education. For that reason we suggest a more definitive and broad exclusion of the education sector. Similarly, we are not convinced that the EU’s public utility reservation will protect the education sector due to the lack of definition and clarity. The education sector is put in a vulnerable situation because it is not explicitly included in any of the mentioned examples of public utilities.

Such a broad carve-out would not be unprecedented. The European Union Foreign Affairs Council of Ministers has exempted the audiovisual sector. The justification for this was based on the public interest objective of preserving and promoting cultural and linguistic diversity. Arguably, the same reasoning applies equally to education.

I would greatly appreciate to have the opportunity to meet you in order to discuss this issue further at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martin Rømer', written in a cursive style.

Martin Rømer  
European Director