To: MEP

Brussels, 31 March 2014

MR/lhl/9615

**Subject: Exclude education entirely from the TTIP negotiations**

Dear MEP

ETUCE, the European Trade Union Committee for Education is the European Region of Education International, the global umbrella organisation of teacher unions. It represents 129 teacher unions in Europe, i.e. more than 11 million teachers from all levels of the education sector (pre-primary, primary, secondary & higher education, vocational education & training) in 45 countries. 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** Transatlantic Trade and Investment Partnership (TTIP). While the talks are at an early stage, we are nevertheless concerned that the anticipated broad scope and coverage of the TTIP could pose **potentially serious risks for educational policy, for educational institutions, and for teachers and students.**

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 TTIP. **We urge you to resist these pressures and to take action to fully protect the education sector.**

If education is covered in the TTIP, 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. Any measure adopted to promote high quality standards in licensing and accreditation processes could potentially be interpreted as a “disguised barrier to trade” or “more trade burdensome than necessary”. Furthermore, if an investor-state dispute resolution process is part of the TTIP, private education companies from the EU or the US would have the right to legally challenge before international tribunals any measure adopted by the other party they feel interferes with their profits. This could have a **serious impact on democratic decision-making in the sector.**

We are **particularly alarmed that the TTIP could contain a so-called “ratchet” clause** as is in the Canada-EU Comprehensive Economic and Trade Agreement (CETA). The ratchet clause requires 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. This represents an unacceptable constraint on democracy.**

We believe the EU and its member states should press for a **general exclusion or carve-out for education and other vital public services.** 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. A more definitive and broad exclusion is needed.

Such a broad carve-out would not be unprecedented. The European Union Foreign Affairs Council of Ministers has recently called for an exemption for the audiovisual sector from the TTIP. 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.

**Commercial trade rules must never restrict the ability of governments and designated public authorities to provide quality public education.** We urge you to ensure this by **explicitly excluding all education services from the TTIP negotiations.**

We kindly request your active support to safeguard European quality education. We are happy to answer any questions you may have.

We look forward to hearing from you.

Sincerely,

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Martin Rømer

European Director