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ETUCE

European Trade Union Committee for Education EI European Region

ETUCE presentation on Regulatory cooperation in the TTIP

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*Regulatory cooperation in TTIP: Civil society stakeholder discussion with EU
Chief Negotiator, 2 July 2015 - EESC*

Good afternoon, my name is Louise Hoj Larsen and I am representing the ETUCE, the European Trade Union Committee for Education, which is the European region of Education International. ETUCE is the teachers' social partner at European level and a defender of teachers' interest. We represent 132 teachers unions spanning the entire field of education from early childhood education to adult education. In total, ETUCE represents 11 million members throughout Europe.

ETUCE is strongly committed to quality education for all, and, in the context of TTIP and other trade agreements we emphasise the need to safeguard quality education by carving out education from the agreement as have been done for the audio-visual sector based on the public interest in preserving and promoting cultural and linguistic diversity.

In the context of the proposed regulatory cooperation in TTIP we have concerns directly related to the education sector and the provision of high quality public services, but at the same time we also have more general concerns of how regulatory cooperation will affect the democratic decision-making process of the EU and its Member States including the regional and municipal level.

Firstly, it is very worrying that the EU proposal on regulatory cooperation intends to determine requirements or related procedures for the supply or use of a service at central and non-central level. Such regulatory disciplines could seriously affect the quality of education through its application to accreditation, performance and quality requirements and standards, which are generally the competence of local and regional authorities of Member States. In the article 3 of the EU proposal authorisation, licensing and qualification are explicitly mentioned as examples. While the intended scope of the regulatory cooperation is not further specified in the EU proposal, it is worth to remember that the EU has no competence in the area of education and in Member States with a federal system, such as Germany, education is decided exclusively on the regional level. It should therefore be evident that any regulatory cooperation must exclude education and other public services from its scope.

Furthermore, regulations in the education sector as well as in other sectors are not designed to be either most or least burdensome, but they are the result of democratically agreed compromises. These proposed regulatory disciplines are therefore fundamentally at odds with existing democratic decision-making procedures in the EU and its Member States. Also, regulations have equally benefits and costs; however the proposed regulatory cooperation in TTIP focuses on reducing unnecessary burdens for business, not for society.

In addition, there is the risk that regulatory cooperation would result in a delay, lowering the level of ambition or even taking future progressive legislation off the table. While the article 12 of the EU proposal states that “regulatory exchanges shall not prejudice the right to regulate”, it is undeniable that the process of regulatory cooperation will result in longer processes before legislation can be adopted. In addition, the fact that regulators are required to inform and consult each other before the adoption of a Commission proposal in the case of the EU, it is highly likely that regulators on either side could “recommend” and thereby execute considerable pressure on the other side to exclude for example certain parts of a not yet adopted legislative proposal.

I would like to conclude by saying that while it is still not completely clear at this moment with which particular powers the Regulatory Cooperation Body will be entrusted, the ETUCE insists that regulation is and must continue to be the responsibility of democratically elected governments.”

Thank you for your attention!