



European Digital Rights (EDRi) welcomes CULT's [draft Opinion on TTIP](#). In line with [EDRi's redlines](#) on TTIP and CULT's legal remit, we would like nonetheless to suggest amendments.

For ease of reading, deletions are ~~striketrough~~ and **amendments** are highlighted in bold. *Comments* are provided in each case.

(new recital) **recognising that cultural diversity can be only be protected and promoted if human rights and fundamental freedoms are guaranteed**

Comments: This reference is important because of the tension between trade law and human rights. Following the lines of the UNESCO Convention, fundamental rights must be guaranteed in order to permit cultural diversity to be protected and promoted.

1. (b) reaffirm that services with a strong cultural component ~~will~~ **should** not be **subject to** challenged by **any obligations generated by** the TTIP agreement;

Comments: The purpose of this amendment is to improve the wording used in this statement. For instance, such services could be part of an ISDS complaint, which would be the result of an obligation generated by TTIP, rather than directly by TTIP itself.

(new paragraph) **Due to the pending review of the Copyright framework, the TTIP agreement should not pre-empt or circumvent this complex process.**

Comments: The inclusion of such provisions could harm EU citizens' rights to culture and free expression. Previous proposals for international trade agreements, such as [ACTA](#) increased the privileges of certain economic operators at the expense of consumers and society in general. Provisions related to copyright shall be discussed within democratic institutions, not rewritten in the course of a trade agreement. This is exactly the point that the UN Special Rapporteur made in her report on Copyright policy and the right to science and culture, when she stated that "powerful parties may use international rule-making to restrict domestic policy options, advancing private interests at the expense of public welfare or human rights". Cf. paragraph 19, report available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_57_ENG.doc (24.12.2014)

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