



European Association for the Education of Adults (EAEA aisbl)

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Dear Commissioner,
Dear Cecilia Malmström,

We are writing to you on behalf of our 123 member organisations in 42 European countries – all adult education providers. Together, we reach more than 60 Million learners in Europe.

We have followed with interest the Transatlantic Trade and Investment Partnership (TTIP) negotiations. We share the concerns voiced earlier by our colleagues from the ETUCE (European Trade Union Committee for Education). We add our voice to the declaration issued by the AFL-CIO and the European Trade Union Confederation (ETUC) to insist that the TTIP and all trade agreements must improve the living and working conditions of all people. If it does not achieve this goal, the TTIP must be rejected. Commercial trade rules must never restrict the ability of governments and designated public authorities to provide decent jobs and quality public services like education.

In that context, we are concerned that the inclusion of “private” adult learning and “other education services” as a subject for TTIP negotiations along with other public services poses potentially serious risks for educational policy, for public schools and other educational institutions, and for teachers, students and communities in both the EU and the US.

If fully applied to public services like education, we believe the TTIP’s trade rules could severely restrict public policy space and lock-in and intensify the pressures of privatisation and commercialisation. The evidence shows such pressures can have a deleterious effect on the provision of these important services. We believe our countries need authority to appropriately provide for public goods like education and are greatly concerned that the inclusion of education services in these talks will undermine that democratic decision making. These concerns explain why education to date remains one of the least-covered sectors in the various trade agreements to which the EU and the US are party.



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THE EDUCATION OF ADULTS

We also believe that the “negative list approach” is dangerous and should be replaced by a “positive listing”. Indeed, the latter is much clearer and will not lead in the future to conflicting interpretations. Other trade agreements have chosen this approach in the past that should be the one of all trade agreements, as it is safer for all parties and will avoid potential future disputes.

If education is covered in the TTIP, the consequences could be serious. Rules governing market access could restrict the ability of the US and the EU member states to limit the entry and regulate the quality of private and for-profit schools and institutions. Any measure adopted by a public body 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, as early indications indicate, an investor-state dispute resolution process is part of the TTIP, private education companies from the US would have the right to challenge as a violation of the investor’s right to “fair and equitable treatment”, measures adopted by the other party that they feel interferes with their profits. If an investor wins such an ISDS case—heard before a panel of private, unaccountable arbitrators, the host state could be liable to hand over countless millions in taxpayer funds. This could have a serious chilling impact on democratic decision-making in the sector.

While we welcome recent efforts made to consult with civil society organisations as the TTIP negotiations progress, we believe that much more should be done to ensure greater transparency. We encourage you to develop an effective and meaningful consultation process with all affected stakeholders. In the education sector, this means ensuring that teacher unions, student organisations, educational authorities, and relevant regulatory bodies are informed and consulted on the talks. Our organisations look forward to playing an active role in this consultation process. We kindly request your active support to safeguard quality education. We are happy to answer any questions you may have.

All the best,

Regina Ebner
EAEA Secretary General

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