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MEDIA RELEASE

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TPP Senate Inquiry welcomed by community groups

A Senate inquiry has been called into the Trans-Pacific Partnership trade deal, in response to a [letter](#) sent to parliamentarians from 60 community organisations representing over 2 million Australians.

The inquiry was moved jointly by the Greens and the Nick Xenophon Team, supported by the ALP and approved in the Senate on Thursday, September 15.

The TPP is currently being examined by the Joint Standing Committee On Treaties, on which the government has a majority. The assessment of the TPP being considered by the committee has been done by the Department of Foreign Affairs and Trade, which negotiated the Treaty.

“We are delighted that majority in the Senate has answered the call from community organisations representing over 2 million Australians and decided to conduct a Senate inquiry into the TPP,” Dr Patricia Ranald, Convener of the Australian Fair Trade and Investment Network said today

“The TPP expands corporate rights at the expense of people's rights and deserves far more critical scrutiny than is possible by the government-dominated Joint Standing Committee on Treaties, which has not conducted independent assessments of the TPP's economic health and environmental impacts. A Senate inquiry will enable the full critical scrutiny which the TPP deserves.

We expect the committee will meet in the next sitting week of October 10 and call for public submissions,” said Doctor Ranald.

Contact Patricia Ranald 0419 695 841

<http://www.bna.com/sen-hatch-says-n73014447345/>

September 8, 2016

Sen. Hatch Says Progress Made on TPP Drug Issue

By *Len Bracken*

Sept. 7 — Progress has been made between the administration and Congress on a key drug-related issue in the trans-Pacific trade pact, Senate Finance Committee Chairman Orrin Hatch (R-Utah) said Sept. 7.

Hatch would not provide details to reporters at the Capitol on the progress, but he expressed hope that a solution could be found and noted that President Barack Obama was involved in the discussions on the issue of intellectual property rights protections for biologic drugs in the 12-nation Trans-Pacific Partnership (TPP) agreement.

“We haven't decided the final terms, buy they have indicated to me that they know they have to make” an acceptable offer, Hatch said. “It's up to the White House—I've told them this is a serious situation and not one they can blithely step aside on.”

The administration would like the TPP to be ratified during the lame-duck session of Congress, and Hatch said resolving what he called “the biggest problem” with the pact would “go a long way” toward improving prospects for post-election consideration of the agreement.

Officials at the Office of the U.S. Trade Representative could not be reached for comment.

Without a biologics solution, the TPP would not pass Congress, he said. However, even with a solution, the agreement would have a “rough time passing,” he added.

Exclusivity Period

At issue is the discrepancy between the 12 years of intellectual property protection for name brand manufacturers under U.S. law and the shorter-term options in the TPP, after which other manufacturers could make lower-priced “biosimilar” drugs using the original test data. The other TPP countries need to commit to a 12-year term, Hatch said, adding that a binding side agreement involving all other parties to the agreement would be one way to do this.

Australia, New Zealand and Peru have all indicated at various points during the last six months that they will not change their positions concerning biologics and stand by the agreed-upon language contained in the TPP.

“I don't know what they're going to offer, but they know I'm at 12 years of data exclusivity,” he said of the administration. “They're going to have to find a way of having the countries agree to change that formality in the TPP to 12 years or come up with something that will be acceptable.”

Hatch said he knew which TPP countries would be willing to go up to 12 years but would not identify them. Australia, Chile, New Zealand and Peru put up the most resistance in the TPP negotiations to U.S. efforts to secure a longer term of protection for brand name biologics, with Canberra taking the lead in this opposition.

“If Australia wants to be part of it, they have to meet our terms,” Hatch said, adding that he and the Australian trade minister discussed how they might solve this problem.

Steven Ciobo, Australian's minister for trade and investment, said after his meeting with Hatch in July that he told the Utah lawmaker Australia would try to help sort out the problem but intended to keep its current law, which provides a five-year exclusivity period (136 ITD, 7/15/16)

Incentives have to be in place so that drug manufacturers can recoup their investments, Hatch said. But he acknowledged that some drugs were overpriced and expressed his support for creating as much competition as possible.

The issue of the exclusivity term for biologics is a major one for both the TPP, which was signed in February, and the Transatlantic Trade and Investment Partnership (TTIP), which is under negotiation with the European Union, Hatch said. The Europeans, he said, have indicated that they effectively have a 12-year exclusivity period.

Warren Opposes ISDS

On another TPP front, Sen. Elizabeth Warren (D-Mass.) said on a conference call hosted by Public Citizen that she supported a [letter](#) signed by more than 200 law and economics professors urging lawmakers to oppose the TPP because it includes provisions that allow investors to bring cases against nation-states on the basis of commitments in the agreement. Warren noted that Democratic presidential candidate Hillary Clinton and her running mate Sen. Tim Kaine (D-Va.) oppose the TPP in part because of these provisions known as the investor-state dispute settlement mechanism (ISDS).

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For More Information

The letter from the law and economics professors is available at <http://www.citizen.org/documents/isds-law-economics-professors-letter-Sept-2016.pdf>.