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**Media Release**

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## **Website reveals how US could rewrite Australian medicine, media content and data storage laws through Trans-Pacific trade deal (TPP)**

“A new website has been launched today ([www.tppnocertification.org](http://www.tppnocertification.org)) which reveals that the United States claims the right to vet and approve other countries’ laws before it will allow a trade and investment treaty to come into force,” Dr Patricia Ranald, Convenor of the Australian Fair Trade and Investment network, said today.

“For Australia this would include laws for longer and stronger patents for medicines, which would make new medicines cost more. The US could also demand changes to Australian local content laws for television and radio, laws which require individual health data to be stored in Australia, and even requirements for blood products to be processed in Australia,” explained Dr Ranald.

The website reveals that the certification process has existed for many years, but it has been used more intensively in the past decade because the US Congress was dissatisfied with how some countries had been implementing their US free trade agreements.

The draft Fast Track legislation introduced to Congress several months ago, but not yet passed, contains a new and extensive certification provision:

*CONSULTATIONS PRIOR TO ENTRY INTO FORCE – Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.*

A comprehensive memorandum on certification explains the certification process and how it has been used.

The website also reveals the extraordinary degree of intervention by the US Trade Representative (USTR) in the drafting of Peru’s laws as part of the certification process for the Peru-US free trade agreement. The USTR actually drafted Peru’s legislation and demanded that it be accepted without change.

Letters from members of the US Congress to the President or the USTR, and the USTR’s annual reports on perceived trade barriers in specific countries, provide indications of what the Congress may demand under certification. These are summarised on a country-specific basis on the website, including for Australia.

“It is bad enough that domestic policies like the price of medicines, Australian media content laws, laws on health data storage and blood processing could be the subject of horse trading in secret TPP negotiations. This certification process means the US could demand even more changes in Australian legislation after the deal is supposedly done. This adds insult to injury and is completely unacceptable. The TPP is clearly not in Australia’s national interest, and the Government should repudiate this process,” said Dr Ranald.

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