



AFTINET
Australian Fair Trade
& Investment Network Ltd

128 Chalmers Street
Surry Hills, NSW, 2010
Phone: 02 9699 3686
Fax: 02 9699 3717
Email: campaign@aftinet.org.au
ACN 097 603 131
ABN 83 659 681 462
www.aftinet.org.au

Media Release

November 5, 2015

TPP text shows some impacts from community campaigns, but still favours corporate rights over citizens and communities

“Preliminary analysis of the thousands of pages of the main chapters of the [TPP text](#) show that community campaigns pressured governments to resist some of the most extreme corporate proposals in previous leaked drafts. But there are still devils in the detail on medicine monopolies, investor rights to sue governments and copyright monopolies. These show that the agreement still strengthens corporate rights at the expense of consumers and citizens, which is the opposite of ‘free’ trade,” Dr Patricia Ranald, Coordinator of the Australian Fair Trade and Investment Network said today.

“But not all has been revealed. Many of the side letters with details of last-minute bilateral deals between particular governments have not been released. These are likely to favour the largest economies with greater bargaining power, and should have been released for public scrutiny with the main text.”

“Pressure from public health groups influenced Trade Minister Robb to resist immediate extension of monopolies on costly life-saving biologic medicines beyond the current Australian legal standard of five years. The US government was seeking an extension from five to eight years, which would cost the Pharmaceutical Benefits Scheme hundreds of millions of dollars for every year of delay before cheaper versions to become available. This would lead to pressure for higher prices at the chemist,” said Dr Ranald

“But Minister Robb’s heroic claims of no change are weakened by the actual words of the text. Five years is a minimum standard but the text also refers to eight years and to ‘other measures’ which would ‘deliver a comparable market outcome,’ and to a future review (Article 18.52). It is not clear how this will be applied in Australia. The law may not change, but there could be pressure for other, presumably administrative delay measures, to achieve the additional three years of monopoly before cheaper medicines become available”.

“Australia has agreed to the inclusion of rights for foreign investors to sue governments in international tribunals if they can argue that a change in domestic law or policy ‘harms’ their investment, known as Investor-State Dispute Settlement (ISDS). This is despite the fact that the Philip Morris tobacco company is suing our government over our plain packaging law in a case which has dragged on for four years and already cost government \$50 million. The general ‘safeguards’ in the text are qualified, and similar to those in other recent agreements which have not prevented cases against health and environmental laws (Annex 9-B3b). They do not address the [fundamental flaws](#) of an unfair international tribunal system which has no independent judiciary, no precedents and no appeals,” said Dr Ranald.

“Public health groups have influenced governments to include in the text the option of more clearly excluding future tobacco control laws from ISDS cases (Article 29.5), which is important and has angered the [tobacco lobby](#). But this also begs the question of how effective are the general ‘safeguards’ for other public health and environmental laws.”

“The copyright text [locks in](#) stronger monopoly rights for copyright holders and more controls on Internet use, and could prevent future copyright reform.”

“AFTINET’s more detailed analysis of the text will be available soon.”

Contact: Dr Patricia Ranald, 0419 695 841