

## **NGO asks European Commission not to push India to accept IP provisions in EU-India FTA**

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*Monday, December 12, 2011, 08:00 Hrs [IST]*

Even as the 14th round of negotiations on the EU-India free trade agreement (FTA) is being held in Delhi, an NGO working in the health sector has urged the European Union not to push India to accept IP provisions in the trade deal that undermine India's ability to comply with any of its obligations under the International Covenant on Civil and Political Rights (ICCPR), especially the right to life and health.

In a letter to EC Commissioner for Trade Karel De Gucht, the NGO DNP+ has expressed concern over the EC's alleged secret efforts to bring back intellectual property (IP) provisions like data exclusivity and investment provisions into the negotiations. The NGO demand that IP should completely be removed from the trade negotiations.

The health group also asked the EC to take other harmful IP provisions out of this trade deal, particularly IP enforcement measures such as: Border Measures, as it will deny medicines to patients in other developing countries with custom officials seizing generic medicines in transit; Injunctions, as it undermines the independence of the Indian judiciary to protect the constitutional right to health of patients over private IP rights of pharmaceutical companies; and other IP enforcement measures, as it puts third parties like treatment providers at risk of police actions and court cases.

The DNP+ in its letter further asked the EC not to extend the definition of investment to include IP and to exclude the investor-state dispute mechanism. If included in the trade deal, the EC will be further expanding and supporting a mechanism for multinational companies including drug, tobacco and chemical companies to sue developing countries like India - outside of domestic courts in secret arbitration for millions of dollars - when it regulates health and environment in public interest.

As a result of the above mentioned provisions on investment in FTAs and Bilateral Investment Treaties, several such investment disputes have already been filed in secret arbitration by companies against governments to force a reversal of policies aimed at protecting public health (Phillip Morris vs. Uruguay), and environment (Dow Chemicals vs. Canada), which the companies claim lead to so called "expropriation" of their investments and profits.

Arguing that every citizen has the right to participate in the conduct of public affairs, DNP+ president Vikas Ahuja asked the EC to desist from its demand that India keep the process and content of the FTA negotiations secret.