

Article notes: September 19, 2013
Citizen Trade Policy Commission

USTR Weekly Newsletters

USTR Weekly E-Newsletter (USTR; 9/12/13)

- This edition of the weekly USTR newsletter included the following articles:
 - United States Welcomes New Zealand’s Decision to Join U.S. Challenge to Indonesia’s Import Restrictions on Horticultural Products, Animals and Animal Products – USTR Michael Froman announced that New Zealand will join the US in challenging certain trade restrictions imposed by New Zealand under the dispute resolutions provisions of the WTO. The Indonesian trade restrictions include import licensing requirements and quotas on horticultural products, animals and animal products;
 - Ministerial Guidance Energizes Negotiator’s Work During 19th Round of TPP Negotiations- TPP negotiators were instructed to close negotiating gaps for the TPP in the areas of market access, rules of origin, investment, financial services, intellectual property, competition and the environment. It is hoped that these directives will help finalize important chapters within the TPP;
 - USTR, SBA Launch New Effort to Help U.S. Small Businesses Export to the European Union- The USTR and SBA are initiating roundtable forums encouraging small businesses to air their concerns about existing barriers to trade that they experience with EU nations. The intent of these roundtables is to use the resulting feedback to help shape the negotiations for the TTIP;
 - Readout of TPP Call with U.S. Stakeholders- USTR Michael Froman recently initiated a conference call which included more than 170 stakeholders from across the U.S. to air their concerns about the ongoing TPP negotiations.

Trans-Pacific Partnership: U.S. Negotiating “Biologics” Proposal, Marking End to “Period of Reflection” (Len Bracken; 8/28/13)

- The USTR has begun final negotiations for the provisions in the TPP which will deal with the intellectual property protections for bio-pharmaceutical medicines which are also known as “biologics”;
- More specifically, these negotiations will address issues surrounding the use of biosimilar medicines which are cheaper, generic versions of biologics;
- The USTR seeks to strike a balance between the costs of innovation and the availability of these drugs for TPP member nations; and
- At issue are the terms of data exclusivity which protect unique biologic drugs developed by different manufacturers.

TPP Countries Will Consult Internally on Tobacco Proposals, Official Says (Inside U.S. Trade; 9/6/13)

- The U.S. and Malaysia have tabled [put forth] competing proposals for tobacco control measures to be included in the TPP;
- TPP negotiators view these competing proposals as different approaches to ensuring that member nations will have greater flexibility to enact and enforce tobacco control measures;
- The Malaysian proposal is seen as more far reaching in that it would could completely carve out tobacco control measures from the TPP; and
- In contrast, the USTR proposal is considered to be much more restrained and simply reaffirms existing FTA provisions which provide that tobacco control measures are already excepted under measures necessary to protect human life or health.

FDA Takes More Active Role in TTIP, TPP Talks; Establishes Trade Team

- The FDA has taken a significantly different stance in current negotiations for the TPP and the TTIP;
- Formerly, the FDA took a “defensive” or reactive position on the negotiation of certain trade provisions in past FTAs;
- The current FDA stance is to proactively advocate for provisions which safeguard tobacco control measures and protect intellectual property rights for pharmaceuticals;
- The change in FDA’s advocacy role is most directly manifested in the formation of a special public health and trade team to stake out positions on these issues; a role which was formerly handled solely by the USTR; and
- It appears that the FDA position is an endorsement of the effort of TTIP negotiators on both sides to achieve a greater degree regulatory harmonization.

The Hazard of Free-Trade Tobacco (New York Times; 8/31/13)

- In a recent editorial, the New York Times lauded the Malaysian proposal to carve out tobacco control measures from the provisions of the TPP;
- In endorsing the Malaysian approach, the editorial cited the enormous public health benefits that are realized from meaningful tobacco control measures; and
- The editorial strongly criticized the current U.S. proposal which seeks to reaffirm the existing provisions of other FTAs that allow exceptions for public health.