

NEWS

NHS should be exempt from EU-US free trade treaty, campaigners say

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London

A petition calling for the NHS to be exempted from an agreement on free trade between the United States and the European Union is to be submitted to Prime Minister David Cameron and England's health secretary, Jeremy Hunt.

The petition hosted by the campaigning organisation 38 Degrees calls on Cameron to ensure that the NHS is not part of the transatlantic trade and investment partnership (TTIP) treaty currently being negotiated.

The partnership, which has been under discussion since summer last year,¹ is one of a series of proposed agreements to liberalise trade between wealthy nations and focuses on harmonising regulation and opening up markets, which can involve privatising public services.

Health policy analysts believe that the NHS in England will be one of the markets opened by the UK government to US corporations, helped by changes in the Health and Social Care Act 2012, which allowed more use of competition.

The treaty also contains investor protection measures, which some analysts fear will allow corporations to sue a government that acted in a way that could curtail their profits.

The petition hosted by 38 Degrees is based on concerns that, if agreed, the treaty will damage public services in favour of commercial interests by:

- Compromising the safety of food and drugs
- Restricting access to affordable drugs, and
- Affecting drug pricing policies and public health measures.

The petition, which had more than 770 signatures as *The BMJ* went to press, says that the Health and Social Care Act has "harmonised our healthcare system with the US, opening the door to private international healthcare providers."

It warns that Cameron has said that "everything is on the table" for the treaty, including the NHS, and it calls for "keeping all provision for NHS health services, publicly owned or now privatised, exempt from the US/EU Free Trade Agreement."

Speaking to *The BMJ*, Richard Fitzgerald, a consultant radiologist from Wolverhampton, who has questioned the treaty previously, asked, "If the NHS is not excluded from the EU-USA TTIP, who will have the better resourced legal team for an international trade tribunal: a local commissioning group

that may wish to terminate its contract for unsatisfactory services or a global healthcare giant provider?"

Lucy Reynolds, a research fellow in the Faculty of Public Health and Policy of the London School of Hygiene & Tropical Medicine, told *The BMJ* that she was also strongly opposed to the treaty but was disappointed by what she called the "misleading" wording of this petition.

"There are two strategies on TTIP: get rid of it altogether, which is what we should be asking for, as it is entirely against the public interest, or attempt to qualify for an exemption, which would be available for the wholly public sector NHS, which no longer exists in this country."

The petition was, she said, calling for a non-existent exemption that would cover the "part-privatised" NHS, adding, "The available exemption covers only public services that are 100% public with no private sector involvement at all."

A spokeswoman for the Department of Health for England said, "We are clear that these negotiations will not affect the ability of the NHS to deliver a world class service.

"Local doctors will remain in charge of deciding who should provide services in the best interests of their patients. The TTIP negotiations have the potential to benefit patients through promoting collaboration across the pharmaceutical and life science sectors."

Created in 2009, 38 Degrees describes itself as a politically independent campaigning community with more than 2.5 million members. It works to bring about change in the UK by taking action, such as petitions, email campaigns, and newspaper advertisements, on certain issues that it says will lead to a "more progressive, fairer, better society." Its name comes from the fact that 38 degrees is the angle at which an avalanche happens, which the organisation says represents its aim to help people act together to create an "avalanche for change." It has also campaigned on transparency in NHS England, protecting GP out of hours services, and environmental, economic, and poverty and welfare issues.

1 Davies P. Trade secrets: will an EU-US treaty enable US big business to gain a foothold? *BMJ* 2013;346:f3574.

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