

Unite the Union
128 Theobalds Road
London WC1X 8TN

Tel: 020 7611 2500
Fax: 020 7611 2555



CENTRAL OFFICE

22nd January 2015

Commissioner Cecilia Malmström
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Dear Commissioner,

I have recently read reports in the British press stating that the European Commission 'insists the NHS would be exempt' from TTIP. This is clearly not the case.

I don't know whether the Commission is trying to mislead the British public on this issue but that certainly seems to be what is happening.

My legal advice is clear that the NHS is included within the material scope of TTIP. Furthermore, your Chief Negotiator's letter of 8 July 2014 to Rt Hon John Healey MP confirmed that the NHS will be subject to substantial aspects of investment protection.

In other words, US investors in the private companies now taking over NHS services will get new rights to sue the Government, as we have been saying. Of course, this would even remain the case if ISDS was removed from TTIP, as such a case could still be taken via the US Government using a State-State procedure.

I also understand that since Mr Garcia Bercero's letter was sent, you have stated that the UK Government can, if it wishes, comprehensively remove the NHS from all aspects of TTIP. Thousands of people from across England, Wales, Scotland and Northern Ireland have been calling on David Cameron to remove the NHS from TTIP for some months now. However, I have not seen any evidence to suggest that this has actually happened. It is certainly clear that it did not happen in the text of the Canadian deal, CETA.

So, if there is new information and the NHS is no longer going to be subject to TTIP, please let me know. If not, can you please clarify this matter on the record?

Furthermore, I would ask you to make every effort to ensure that spokespeople for the European Commission are clear, honest and straightforward about this matter when briefing the media in future.

Yours sincerely

A handwritten signature in blue ink that reads 'Len McCluskey'.

Len McCluskey
General Secretary