

## Comments on the Administration's Intention to Enter Into Negotiations for the Transatlantic Trade and Investment Partnership (TTIP) Agreement

Response to Docket No. USTR-2013-0019

Notice of Intent to Testify:

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The American Medical Student Association (AMSA) is the oldest and largest independent association of physicians-in-training in the United States. Founded in 1950, AMSA is a student-governed, non-profit organization committed to representing the concerns of physicians-in-training and is a national member organization of the International Federation of Medical Students' Associations (IFMSA) comprised of over 1 million medical students worldwide. For decades, AMSA has been active in advocating for quality, affordable medicines and mobilizing students to demand real pharmaceutical innovation and oppose strong intellectual property regimes that would prevent our patients and others worldwide from being able to access life-saving medicines. To learn more about AMSA and our strategic priorities, please visit us online at [www.amsa.org/](http://www.amsa.org/).

As the next generation of physician leaders, we are deeply troubled by both the lack of transparency surrounding other free trade agreement negotiations as well as the preferential access to agreement text and negotiators afforded to industry. AMSA strongly believes that the trade agreement negotiations must be open and accountable to all. It is essential that the full TTIP text be subject to public scrutiny and reflect the priorities of the global citizenry. We echo the call by various civil society organizations for the United States and European Union to publicly release all negotiating and pre-negotiating texts on an ongoing basis.

As physicians-in-training, we believe that trade agreements should promote public health and access to medicines rather than prioritizing multinational corporate profits over patients. For this reason, we first and foremost urge the exclusion of any and all intellectual property provisions in the TTIP.

During our medical training, we witness firsthand the crucial benefit that access to affordable medicines gives to patients. The ability to receive such life-saving drugs is critical in preventing unnecessary deaths due to both infectious and noncommunicable diseases. Unfortunately, it appears that recent free trade agreements (FTAs) including the Australia-United States FTA and Korea-United States FTA as well as the current TPP negotiations compromise this access by imposing unprecedented TRIPS-plus IP provisions. These provisions have the potential to jeopardize millions of lives in participating countries by granting monopoly protections to

pharmaceutical companies, driving up the costs of medicines significantly. It is unacceptable that cost as a result of this agreement will become a barrier to access and ultimately, a healthy life.

To ensure the TTIP does not compromise patients' access to medicines in participating countries, we urge the following:

- Prohibition of “evergreening” or use of minor modifications of existing drugs to extend market exclusivity;
- Exemption from patent infringement of diagnostic, therapeutic, and surgical procedures similar to 35 USC 287(c);
- Rejection of any provision to provide data exclusivity for biologics;
- Preservation of existing national pharmaceutical benefit schemes such as the Pharmaceutical Benefits Board in Sweden, Pharmaceutical Price Regulation Scheme in the United Kingdom, and the Veteran Health Administration in the United States
- Removal of intellectual property as an actionable “investment” allowing pharmaceutical and medical device companies to skirt domestic

In addition, tobacco and alcohol have been demonstrated to significantly contribute to global disease morbidity and mortality. Tobacco alone is responsible for one in ten deaths worldwide, and alcohol use accounts for nearly 4% of deaths globally each year.<sup>12</sup> The Framework Convention on Tobacco Control (FCTC) recognized the role of “price and tax measures” in reducing tobacco consumption.<sup>3</sup> In light of the unique status and potential for harm that these products have, it is essential that both tobacco and alcohol be carved out of any TTIP agreement.

On behalf of more than 35, 000 physicians-in-training, we implore you to ensure that any TTIP agreement ensures our future patients are able to access evidence-based and effective medicines and procedures rather than forcing us as practitioners to compromise our medical professionalism and the quality of care we are able to provide our patients.

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<sup>1</sup> World Health Organization (2008). The top 10 causes of death. Available at <http://www.who.int/mediacentre/factsheets/fs310/en/index2.html>

<sup>2</sup> World Health Organization (2011). Global Status Report on Alcohol and Health 2011. Available at [http://www.who.int/entity/substance\\_abuse/publications/global\\_alcohol\\_report/msbgsruprofiles.pdf](http://www.who.int/entity/substance_abuse/publications/global_alcohol_report/msbgsruprofiles.pdf)

<sup>3</sup> World Health Organization (2003). Framework Convention on Tobacco Control. Available at <http://whqlibdoc.who.int/publications/2003/9241591013.pdf>