

## **Peru Trade Agreement Fails Public Health, Tobacco Control Objectives; Improvements for Access to Medicines**

The U.S. Peru Trade Promotion Agreement would adversely affect public health, and essentially fails to meet the **Public Health Objectives for Global Trade**. It will eliminate tariffs on tobacco and alcohol products, and undermine public health regulations and services.

**Tobacco use** is the leading preventable cause of death and disease in the world. In the Americas, the number and percent of smokers has tripled in low-income countries since 1970. The Peru Agreement will interfere with public health efforts to reduce the five million tobacco-related deaths a year. It **eliminates tariffs on tobacco products**. The Investment, Services and Intellectual Property chapters continue to permit challenges to tobacco control measures as nontariff barriers to trade.

Compared with earlier agreements, the revised Peru provisions on intellectual property represent a decisive step away from the policy of leveraging trade deals to obstruct **access to affordable medicines**. The Draft Statement of Administrative Action additionally clarifies that data exclusivity rules should not prevent issuing compulsory licenses, including when no patent exists. Future agreements that meet other public health objectives should build on this important progress.

### **Public Health Objectives for Global Trade**

1. **To assure democratic participation by public health and transparency in trade policy** by:
  - a. Appointing to all relevant trade advisory committees representatives of organizations that work to assure equitable access to affordable health-related services and products, and promote the health of individuals, communities and populations,
  - b. Opening all proceedings and documents of trade advisory committees to the public, and
  - c. Requiring USTR's consultation with all relevant committees of the House and Senate in the development, implementation, and administration of U.S. trade policy, without renewing presidential trade promotion authority.
2. **To develop mutually beneficial trade relationships that create sustainable economic development** for the U.S. and our trade partners in an increasingly interdependent world.
3. **To recognize the legitimate exercise of national, regional and local government sovereignty to protect population health**, and to ensure that countries do not weaken or reduce, as an encouragement for trade, sound policies that contribute to health and well being, including laws on public health, the environment and labor.
4. **To exclude tariff and nontariff provisions in trade agreements that address vital human services** such as health care, water supply and sanitation, food safety and supply, and education, including licensing and cross-border movement of personnel in these fields.
5. **To exclude tobacco and tobacco products**, which are lethal, and for which the public health goal is to reduce consumption, from tariff and nontariff provisions of trade agreements, including advertising, labeling, product regulation and distribution.
6. **To exclude alcohol products**, which present serious hazards to public health. Policies designed to reduce the harm caused by alcohol products should not be subject to compromise in exchange for other trade benefits.
7. **To eliminate intellectual property provisions related to pharmaceuticals from bilateral and regional negotiations**, as these are more appropriately addressed in multilateral for a. **Promote trade provisions which enable countries to exercise all flexibilities provided by the Doha Declaration on Public Health**, including issuing compulsory licenses for patented pharmaceuticals, parallel importation, and other measures that address high prices and promote access to affordable medicines.

(For signatories to these Objectives, please see <http://www.cpath.org/id24.html>)