

กลุ่มศึกษาข้อตกลงเขตการค้าเสรีภาคประชาชน

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18 September 2013

Mr João Aguiar Machado

Deputy Director-General,
Directorate-General for Trade,
European Commission

EU Chief Negotiator

Dear Director-General,

We write with respect to Thailand's entry into negotiations towards a Free Trade Agreement with the European Union since March this year, and the current second round of negotiations.

Before all else, we civil society organisations in Thailand would like to express our congratulations to the European Union on the award of the Nobel Peace Prize in December last year. This is a highly prestigious and significant prize, which leads us to look forward to an interaction, even on the issue of trade, that will build economic and social equity, justice, and peace for both regions. On this basis, a trade agreement should not benefit only a small group and should not impose burdens upon society as a whole, in particular for the poor.

In the past, we wrote a letter to the representative of the European Union in Thailand to express our disagreement with the EU's stance of putting pressure on various developing countries, including Thailand, by negotiating an FTA with demands that go well beyond the liberalization of trade, which put forward concerns in at least four important issues, as follows:

Firstly, the requirement to increase the level of protection over intellectual property beyond the requirements in the WTO which will continue to allow the monopolisation of brandname medicines for maximum profit indefinitely, and will destroy competition from generic medicines, which will have a direct impact on public access to medicines.

Secondly, the demand that Thailand ratify the International Convention for the Protection of New Varieties of Plants (UPOV) Treaty 1991 and the Budapest Treaty, which will facilitate the monopolization of plant varieties and undermine the capacity of small-scale farmers to safeguard their food security.

Thirdly, the protection of transnational investors through a dispute resolution mechanism between investors and the state which will limit the rights of our country to establish its own policies on public health, consumer protection and environmental protection.

Finally, the lifting of impediments to the sale of goods that are harmful to health, such as, alcoholic drinks and cigarettes in developing countries without proper controls, etc.

The issues presented above all work against peace in developing countries.

Currently, the Thai side, including the Head of the Negotiating Team, the civil service officials, and the Thai civil society groups have made a clear public announcement that they will not accept into the agreement any terms which go beyond the terms of the WTO's Trade Related Intellectual Property Rights Agreement mentioned above, in order to avoid any impacts on the public health system and the health of people in Thai society, and guard against the likely impacts on farmers and Thailand's food security.

Is the European Union ready to put the social welfare of developing countries like Thailand above profits from trade? If so, please clarify how this will be achieved.

Relating to the issue of goods which are harmful to health, the Head of the Thai Negotiation Team has confirmed an agreement on Free Trade in this instance will not lead to the increase in consumption of alcoholic beverages and will not increase the stimuli for people to start drinking at younger ages. How will the European Union cooperate with the government and Thai civil society on this issue?

Related to investment protection provisions which will pave the way for investors to submit cases to international arbitration, the Thai Parliament passed a draft trade and investment negotiation framework on 8 September 2010. Presently, the negotiation team and civil society groups agree that the necessary and appropriate measures for the public benefit, such as the measures on the environment, public health, the maintenance of the balance of payments, and macro-economic policy must be excluded and must not be allowed to form the basis of a lawsuit. The arbitration mechanism should not protect investments which do not carry out real economic activities and will only protect investments post-establishment. What is the European Union's view on these issues? Is the EU ready to support the position of the Thai government and civil society on this matter?

Yours respectfully,



Asst. Prof. Sumlee Jaidee
FTA Watch

The Thai Network of People living with HIV/AIDS (TNP+), Stopdrink Network, Alternative Agriculture Network (AAN), Assembly of the Poor, 4 regions of Slum Network, Renal Failure Patient Group, Cancer Patient Group, Thai NGO Coalition on AIDS, AIDS ACCESS Foundation, Foundation for AIDS Rights, Foundation for Consumers, Rural Pharmacists Foundation, Rural Pharmacy Association, Drug Study Group, BioThai Foundation, Ecological Alert and Recovery – Thailand (EARTH), Thai Holistic Health Foundation, Labor Alliance Group, Alcohol's Danger Protection Campaign Network, The Network of Community Affected by Alcohol, The Network of the Alcohol's Danger Surveillance in Bangkok, The Youth Network of the New Drinkers' Protection, Harm Reduction Working Network (12D), Focus on the Global South

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