

From: [Art. 4.1(b)] (TRADE)
 Sent: 17 November 2015 08:59
 To: SCHLEGELMILCH Rupert (TRADE); GARCIA BERCERO Ignacio (TRADE);
 [Art. 4.1(b)]
 [Art. 4.1(b)] (TRADE)
 Cc: [Art. 4.1(b)] (TRADE)
 Subject: meeting on health services - TTIP 13-11-2016
 Attachments: [Art. 4.1(a)]

-----For AREAS please-----

On Friday (13.11.2017) [Art. 4.1(b)] participated in a meeting with [Art. 4.1(b)] (British Medical Association) dedicated to EU approach to health services in TTIP.

The main problem for BMA continues to be a risk that TTIP will not allow for a renationalization of medical sector in the UK. According to PL, this threat is aggravated by ISDS (even under the new proposed ICS) and a vague scope of the EU reservation on public utilities, which according to BMA does not delineate clearly between publicly and privately funded services. BMA membership is particularly concerned that as a consequence of increasing privatization of NHS activities the sector will not qualify as a public utility. Therefore, BMA requests a very broad exclusion of the health sector from the scope of the agreement as it is the case with the audiovisual sector. BMA argued that this carve out was also requested by the EP in their July TTIP resolution.

In response to that we explained i.a. that:

- the right to have public monopolies does not depend on whether the sector is publicly or privately funded,
- the EU does not exclude any sector from the scope of investment protection; no such exclusions apply also to the audiovisual sector,
- The EP resolution does not include a request for a total carve-out of public services from the scope of the EU agreements; the exclusion of public services needs to be i.a. compatible with the Treaties and the EU's negotiating mandate.

We agreed we would stay in touch on this subject. (Yesterday he sent us similar position as per the attached email).