



Karel de Gucht
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RE: EU-India Summit and EU-India FTA negotiations

Dear Trade Commissioner Karel de Gucht,

We would like to share again some of our ongoing concerns with you regarding the EU-India FTA negotiations in the run-up to the next EU-India summit to be held in New Delhi on 10 February 2012.

As some of us have already outlined in our previous letter (1 December 2010), there are multiple, serious, and complex implications of the current negotiations for India's ability to pursue pro-poor policies.

In addition to the concerns outlined in our previous letter, we are particularly concerned about the Commission's insistence to include data exclusivity - according to different press sources - as a requirement of intellectual property liberalization as is has been clearly and widely shown that such liberalization could severely affect India's ability to provide affordable medicines in the fight to achieve health-related MDG goals.

Furthermore, to liberalize sectors before a proper social impact assessment has been carried out, runs the risk to work counter development objectives. As the recent changes in FDI regulations in India have shown, there are serious socio-economic factors that go beyond simply attracting FDI which require adequate safeguards and protection. As recent research has shown (http://www.boell.de/downloads/2011-12-ecofair_rfia.pdf), a proper human rights impact assessment would have demonstrated early on that it would be premature to liberalize the Indian retail sector given its importance in providing employment to millions of poor Indians and

that liberalization would destroy two times more jobs than would be created by inward FDI.

The negotiations have now been ongoing for more than five years with legitimate concerns on both sides delaying the conclusion of these negotiations. We urge you not to rush into concluding the deal given the multitude of outstanding concerns and before having given sufficient consideration to the official demands by the European Parliament (11/05/2011) and the EESC.

You have indicated that a pause in negotiations is an option at this juncture. Given the seriousness of the outstanding concerns, we strongly recommend that instead of signing a bad deal, the Commission pursues a pause in negotiations. This pause shall be used to assess the social, human rights and environmental dimensions in order to comply with the EU's policy on coherence with development.

We also call on the Commission to share conclusions and decisions on the future action plan with regard to the negotiations with the European Parliament after the summit.

Yours sincerely,

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