Transatlantic Trade and Investment Partnership

Sarah Wollaston (Totnes, Conservative) Click here to watch Sarah speak

It is a pleasure to follow Dr Whiteford. I hope to be able to respond to some of the concerns she voiced. I congratulate Geraint Davies on initiating this important debate.

I share the sentiment, which was expressed by many hon. Members, that trade is the cornerstone of our national wealth. We heard my hon. Friend Mr Walter speak about its impact on our economy. Without that trade and our national wealth, there would not be funding for vital services such as our NHS; it is that long-term economic plan that will guarantee its future. However, I would like to speak today about the NHS and express some of my concerns.

The Leader of the Opposition has spoken of his desire to weaponise the NHS. It is shameful in itself, but it also detracts from some of the genuine arguments and important issues that we need to raise about health within TTIP.

Initially, I would like to clear up the points raised by the hon. Member for Banff and Buchan. They are important and I would not support the deal if I thought that it would have the effects she outlined, but I think that they have been rather used as part of that weapon to try to damn this partnership and to damn the Government's record. That is regrettable.

After reading the letter from the European Commission about the NHS, I wrote back because I wanted to clarify some points. As Chair of the Select Committee on Health, I heard back from Jean-Luc Demarty, the director-general for trade. He wrote to me on 11 December and a copy of that letter is available on the Health Committee's website if people want to look at it in detail. He made it absolutely clear that all publicly funded health services, including NHS services, would be protected under TTIP.

I pressed him further on that point, asking about the definition of publicly funded health services—in other words, would they include organisations such as those in the third sector? He was very clear that as long as the services are publicly funded, it does not matter how they are delivered. That is an important point of clarity. He also made the point that any investor-state dispute settlement provisions in TTIP could have no impact on the UK's sovereign right to make changes to the NHS. In other words, that deals with the concerns that have been raised that this is somehow a one-way street and that no future Government would be able to change policy. He is very clear on that point and I urge Members to look at his letter. The issue of ratchet clauses is also very important, and the ratchet clause will not apply in this case.

Jeremy Corbyn (Islington North, Labour)

If an incoming Government decided to terminate a contract in the NHS or in the public social care sector under which that company claimed that a very large investment had been made in building a care home or something similar, would the company not be able to use TTIP to prosecute the Government for the potential loss of investment?
Sarah Wollaston (Totnes, Conservative)

Already within domestic contract law there are provisions that mean that one cannot arbitrarily reverse a contract. A state would be able to announce that it was changing policy and moving forward, but the point about TTIP is that it works on both sides of the Atlantic. We would not wish to have British companies arbitrarily lose their investment in the US. It is about that; it is not some conspiracy of an evil empire, which is how it has been portrayed. I think that that would be a reasonable process.

Margot James (Stourbridge, Conservative)

May I make the point that an ISDS tribunal is empowered to award compensation for genuine loss but is not empowered to overturn policy or national regulation?

Sarah Wollaston (Totnes, Conservative)

Indeed, and that is the point that we want to make clear.

The concern is legitimate and if the NHS were threatened by TTIP we should be explicit about that, but it is not. We need to be clear about that and it would be helpful if Opposition Members withdrew the insinuation that is constantly being put out to our constituents that this is a conspiracy to do so.

I also pressed the Commission on whether it would be sensible for the Government explicitly to ask to exclude the NHS, and it could not have been clearer that it was not necessary because it was going to do so itself. May we please bring that aspect of the debate to an end and focus on the issues that matter?

Andy Slaughter (Shadow Minister (Justice); Hammersmith, Labour)

Will the hon. Lady give way?

Sarah Wollaston (Totnes, Conservative)

I am afraid I do not have time to take further interventions, so I apologise to the hon. Gentleman.

The issues I think are important are those to do with public health in areas such as smoking and alcohol. Other Members have pointed out the impact on the Uruguayan Government of their being sued by a tobacco company. The company’s profits dwarf the domestic product of Uruguay. We cannot allow that to happen. This has serious implications. I would like the Minister to respond specifically on whether, during these negotiations, the tobacco industry—an industry that kills half its customers—can be specifically prevented from using the investor state dispute procedures in such a manner.

I would also like protections in relation to alcohol. Of course, part of our transatlantic trade should legitimately cover alcohol, a product enjoyed by many. However, the Scotch Whisky Association has been able to use legal mechanisms to delay the proposed minimum pricing measures which are desperately needed in Scotland and which I fully support. I would like further detail on what measures the Government propose to protect public health as TTIP goes forward.

Finally, I would like to make a point on behalf of transition town Totnes. Will the Minister
explain the implications of this for our obligations under the climate change legislation? The transition towns movement has done a huge amount of work on local food networks and sustainability. Will he assure me that he will continue to look after the interests of those vital food networks and make sure that they are protected alongside trade? We need to strike a balance. I know that it is a difficult issue, but it is important.

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Sarah Wollaston (Totnes, Conservative)

To reassure the hon. Lady, it was not that I said the definition should exist, but that I was reassured by Jean-Luc Demarty that it would exist. It is about who funds the service, not who provides it.

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