

TPP Public Submissions

Submission Process

- The Ministry of Foreign Affairs and Trade made a call for submissions on 12 October 2008. The submissions deadline was 8 December 2008.
- Sixty-five submissions were received through this process, covering a wide range of issues. They came from an assortment of individuals, businesses and umbrella organisations, and were often accompanied by requests for further consultation throughout the process, both targeted to specific stakeholders and in general with the wider public.
- While some were written in general support of, or opposition to, the Agreement, most provided details of important issues and desired outcomes as requested.

Commercial interests for New Zealand businesses

- A number of the submissions, particularly those from exporters and their representative groups, were written in support of the agreement and described particular offensive interests or potential benefits. These related mostly to market access, government procurement and technical barriers to trade.
- In terms of market access, there was a strong desire for a comprehensive agreement including all categories of goods, with several references made to the exclusion of certain sectors under the Australia-United States bilateral free trade agreement. Specific sectors identified for tariff elimination included dairy, wine, cut flowers, air conditioners and wool. A reduction in US agricultural subsidies was also seen as desirable.
- Some exporters, including those in the aviation and audiovisual industries, as well as the New Zealand Chambers of Commerce as an umbrella group, were seeking the removal of barriers to US government procurement contracts, including the need for a local partner.
- Other submissions referred to equivalence of standards, citing organics and animal welfare as areas where there were current technical barriers to trade.
- Several submissions, including from the Employers and Manufacturers' Association and the New Zealand horticulture industry, referred to the need for science-based sanitary and phytosanitary (SPS) rules and noted current trade barriers in the area of food safety.

- Improvements were also sought to **customs and import procedures**. The Employers and Manufacturers Association recommended that the **rules of origin** provisions be kept at the level of principle to simplify their use. **Temporary entry** was raised in some submissions as an area where increased liberalisation would benefit New Zealand businesses and individuals.
- The Employers and Manufacturers Association and the New Zealand Horticulture Industry, among others, referred to the need for science-based **sanitary and phytosanitary** rules.
- In relation to **intellectual property**, some submissions were received in support for increased data protection (Agcarm) and strengthened intellectual property laws, but these were greatly outnumbered by the negative submissions on this issue as outlined below.
- On a similar note, the support by the Dairy Companies Association of New Zealand for **investor-state dispute settlement** went against the trend described below. On a more general level, there was some support for further expansion of the TPP in future.

Concerns raised

Intellectual Property

- The submissions that were written in opposition to the TPP expansion, or to raise particular risks and defensive interests, were predominantly concerned with **intellectual property**. The Council of Trade Unions raised this as an area in which Australia was required to make undesirable concessions under AUSFTA.
- Individuals and organisations including the Library and Information Advisory Commission, the New Zealand Chambers of Commerce and the New Zealand Vice-Chancellors' Committee noted the current system represented an appropriate balance between the rights of intellectual property owners and the legitimate users of information and this balance should be maintained. Submissions further noted that lengthening the term of copyright could act to stifle innovation and increase costs to consumers, libraries and universities.

A number of submitters expressed concern that commitments undertaken under the TPP could impact upon the information technology sector, particularly on the availability of free and open-source software. Such submitters were concerned about the potential for increased prescription of the role of internet service providers, increase of restrictions relating to technological protection measures and strengthening of existing of copyright and patent terms and scope.

- There was also concern about preservation of local content from some submitters, including the New Zealand Musicians Union and the New Zealand Society of Authors. Ngati Kahungunu, along with the Library and Information Advisory Commission, also raised the protection of Maori **traditional knowledge** as an issue of concern.
- The potential vulnerability of New Zealand companies to (sometimes frivolous) US lawsuits as a result of an FTA was also raised as a risk, in particular by Phitek Systems, a New Zealand company that has recently faced an intellectual property litigation challenge in the United States.

Other

- Other potential risks were mentioned in relation to **investment screening**. There was concern about the possible introduction of compulsory investor-state dispute settlement and the implications this would have for the New Zealand government's ability to regulate. Other submissions raised more general concerns about wholesale purchases of New Zealand assets by US buyers should investment screening laws be relaxed.
- Submitters were also preoccupied with the global financial crisis and the calls worldwide for increased regulation of the financial sector; many commented that this was not the time to be pursuing increased liberalisation in **financial services**.
- In relation to **pharmaceuticals**, there was opposition to changes to the PHARMAC system, notably from the Council of Trade Unions and Ngati Kahungunu.
- Retention of our screening process for **genetically modified organisms**, and particularly GE labelling on food, was seen as a priority by some submitters.

Use of submissions

- These submissions provided useful information for officials in terms of gauging the interests and concerns of businesses and the general public. The information gathered will be used in developing plans for further consultation, and will help shape priorities and approaches as the negotiations get under way.