



Delegation for relations with India

D-IN_PV(2010)1202

MINUTES

of the meeting of 2 December 2010, from 10:15 to 11:15
Brussels

The meeting opened at 10:15 on Thursday, 2 December 2010, with Graham Watson (Chair) in the chair.

1. **Adoption of the draft agenda (PE 453.661)**

The agenda was adopted without amendment.

2. **Adoption of the draft minutes of the meeting of 29 September 2010 (PE449.535)**

The minutes were adopted without amendment.

3. **Chair's announcements**

Mr Watson noted that the languages available in interpretation were French, German, Italian, English and Spanish. He informed members that there had been a request from the relevant services to reduce the number of languages for interpretation to those that were only regularly used. It was therefore proposed to reduce the languages available from 1 January 2011 to French, German and English.

4. **Final preparations for the EU-India summit on 10 December 2010**

and

5. **Latest state of play of the EU-India Free Trade Agreement negotiations**

Mr Watson noted that the 11th EU-India summit would be taking place on 10 December 2011 and that negotiations for the EU-India FTA were also at a crucial

stage. He reminded members that that the EU was already India's largest trading partner in terms of trade and investment flows and was also its largest bilateral donor. India was the single largest beneficiary of the GSP scheme and the third largest participant in the RTD framework. However, the economic relationship had not reached the level of those with China or Japan.

At the previous meeting the Commission had informed members that the summit would focus on security, trade and climate change. Mr Watson asked the Commission representative present for an update on preparations.

The Commission representative noted that the timing of the summit was significant as it took place at a point when India's emergence as a world power was being acknowledged in the international arena and also when the EU - through the Lisbon Treaty and the creation of the EEAS - was reflecting on means of increasing its influence on the global stage. This reflection naturally extended to the nature of its strategic partnerships, including the one with India, which was considered to have much as yet unfilled potential.

The Summit would therefore help to give a strong political push to the strategic partnership, demonstrating that the EU was committed to full engagement with India across the full range of policy issues.

At the bilateral level, cooperation on security would be a top priority for the EU, which would send the message that it had considerable expertise that it was keen to share. Some initial steps had already been taken in this respect, and the leaders needed to use the Summit to develop the potential for cooperation in areas such as anti-piracy and counter-terrorism.

The FTA negotiations were now entering a crucial phase and the Summit could provide important political impetus to have them completed in 2011.

The Summit would also provide an opportunity to review cooperation in the field of energy under the 2008 EU-India Work Programme on Energy, Clean Development and Climate Change, with a particular focus on energy efficiency and renewable energies.

Other issues would probably include global economic governance - notably the outcome of the G20 Summit in Seoul and the work to be done during France's G20 presidency on redressing macroeconomic imbalances. Other global subjects would be non-proliferation and disarmament - on which the EU would be reiterating its previous messages. Another issue was climate change and by the time of the Summit it would be known if any progress had been made at Cancún on establishing a credible replacement for the Kyoto Protocol. Regional issues would also be on the agenda, in particular the situation in Afghanistan and Pakistan, along with the state of play on regional integration in Europe and in South Asia.

The EU side was hoping for a Joint Declaration on Counter-terrorism; an outline of the FTA; a Joint Declaration on Culture to pave the way for a sectoral dialogue on the subject; a Memorandum of Understanding on cooperation in statistics; and the signature of the EU-India Multiannual Indicative Programme, outlining planned development cooperation activities for the period 2011 to 2013.

Finally the Commission representative referred to the EU-India Business Summit that would be held on the same day as the political summit, which would include exchanges on Clean Technologies in Energy, Transport and Infrastructure, and Growth and Partnership Opportunities. A political leaders' plenary was planned for the afternoon in the presence of Prime Minister Singh and Presidents Van Rompuy and Barroso.

Mr van Dalen raised the "non trade" issues, concerning minorities in India - including religious minorities - and access to medicines and a suitable monitoring system. He referred to the European Parliament's 2009 resolution and the Saifi report of the previous Strasbourg session that both addressed these issues. He asked about the inclusion of a reference in the FTA that highlighted the requirement to adhere to existing agreements on these matters.

Ms Delli asked about access to medical products and adequate working conditions and social rights. She also raised the issue of India's position on global warming and the need to focus on the reduction of poverty.

Mr Watson then gave the floor to Ms Baldini from Médecins sans Frontières (MSF). Ms Baldini outlined the concerns of MSF about the implications of the FTA for patients. She noted that currently over 80% of the medicines used by MSF came from India, which was the "pharmacy of the developing world". She stressed that without these generic medicines, which had until now been within the reach of the poorer sectors of society, millions of lives would have been lost.

MSF was concerned at the threat of the FTA to generic medicines, particularly the provisions on data exclusivity, which would apply to all medicines and prevent generic competition. This was not required under a trade agreement and would lead to the requirement for producers of medicines to carry out unnecessary and costly clinical trials that duplicated trials which had already taken place. The alternative approach of waiting for data exclusivity to expire would mean that more affordable medicines would be unavailable for up to ten years. It would therefore create a new patent monopoly. The European Parliament resolution of 12 July 2007 had called on the Commission not to seek data exclusivity in free trade agreements. The WHO had also stated that from the perspective of public health and access to medicines it was preferable not to grant data exclusivity. Nevertheless, she claimed, the Commission continued to insist on it.

There was also concern that, in the case of patent disputes between the holders of patents and the generic manufacturers, the generic manufacturer would be obliged to cease production even before the case was considered by the court.

Mr Watson noted that the letter from MSF to Commissioner de Gucht which raised these issues had been circulated to members.

The Commission representative from DG Trade then outlined the current state of play of negotiations for the EU-India FTA. There had been intensive talks and both sides were keen to conclude the agreement in the next year and to address each others' concerns. In particular the movement of natural persons and agriculture were very important for India. The summit should confirm the broad contours of the deal and give an additional push toward its conclusion. There was agreement to improve the

tariff offers on both sides on goods and agricultural services. Ambitious offers on services would also be made on both sides. She also highlighted negotiations on procurement and rules based issues.

The EU side thought that areas which the Indian side described as "non-trade issues", such as social and environmental issues, had a legitimate place in a trade agreement as long as they were trade-related. It was important not to include all issues as there were some subjects that could be covered in other EU-India frameworks. She noted that the chapter on sustainable development was difficult.

Intellectual property rights covering areas such as patents and geographical indicators would be included in the agreement. The TRIPS agreement was the starting point for negotiations. There was recognition that both sides had gone beyond TRIPS in some areas, such as India actions on copyright and trademarks. The Commission was clearly committed to ensuring that the IPR chapter should not hamper India's production of affordable medicines or compulsory licensing. There was an explicit reference to the Doha Declaration to ensure that the flexibilities in the TRIPS agreement could be fully used by India. Nothing in the agreement should impair access to affordable medicines. Patent term extension was no longer part of the discussions. The final chapter would have to ensure that India had access to affordable medicines.

The issue of data protection was also receiving a great deal of attention. The final result would have to be acceptable to India.

Mr van Dalen referred again to the reference in the Saïfi report to non-trade issues. He asked whether it would be possible to have a formula in the text in which non trade issues could be highlighted and which stated that India should implement and execute its existing legislation. He also wished to know whether there were specific references to child labour, human rights and minorities in the text.

Mrs Ticaú asked about the position that India was taking on climate change. She also asked about passenger name recognition and how the issue of differences in data protection for air transport passengers between India and the EU was being tackled.

Mr Newton Dunn drew attention to the fact that the EP delegation would be travelling to India in 2011 when the discussions on the FTA might have reached a crucial phase.

Mr Watson noted that at the previous delegation meeting the Indian ambassador had expressed the hope that the broad contours of the trade agreement would be agreed at the summit. In addition, at the Trade Committee meeting of 26 October the Commission representative had underlined the need for a political breakthrough at the summit. He asked whether this would be happening and whether it was likely that an agreement would be reached in early 2011.

The Commission were not able to give an immediate answer to the question of data protection for air passengers and promised to inform Ms Ticaú as soon as possible after the meeting.

Regarding the Free Trade Agreement, the Commission representative stressed that they hoped to achieve agreement on a deal early in 2100. She stressed that the political commitment would come at the summit but that subsequently the details would need to

be clarified and a lot of work was needed. There would be a great deal of consultation with the European Parliament, a process that was being guided by the Framework Agreement. Her Directorate General was organising a briefing session with a number of MEPs in the following week.

She underlined that it was essential to distinguish between trade and non trade issues. It would be important to include references to ILO standards and environmental issues. Human rights, however, was already part of the Cooperation Agreement with India. There was no chapter to date on sustainable development but work would be taking place on this issue.

Mrs Lambert asked whether the issue of GMOs was a problem in the negotiations. She was informed that this issue had not been subject to negotiations and had therefore not posed a problem.

Mr van Dalen asked about the role in discussions on sustainable development of the dispute settlement mechanisms that were outlined in the Saïfi report. He was informed that the Commission was committed to including a chapter on sustainable development but that this should be reached through dialogue and cooperation and the possibility of trade sanctions was not appropriate.

6. **Delegation programme of activity in 2011**

Mr Watson informed members that a calendar of delegation meetings in 2011 would be circulated as soon as possible. The dates of these meetings would depend to some extent on the timing of a visit to India by the delegation. The tentative date for the full delegation to travel was during the week commencing 25 April (week 17). There would also be a Bureau visit in the course of the year. The Lok Sabha would also be invited to send a delegation to Brussels or Strasbourg; however this would depend on the establishment of an EU Friendship Group. The representative of the Indian Mission stated that the process was underway. Mr Watson then asked members to make suggestions for the next visit of the delegation.

Mrs Delli argued in favour of the delegation travelling to Bhopal where thousands of people had died and where many people were still living in a polluted environment. She also believed that the delegation should look at the issue of rural poverty and noted that thousands of peasants were committing suicide.

Mr van Dalen proposed that the delegation should travel to Orissa.

Mr Watson noted these proposals and asked for other suggestions from members.

7. **Any other business**

There was no other business.

8. **Date and place of the next meeting**

Mr Watson announced that the next meeting would take place on Tuesday 1 February at 1500hrs.

The meeting closed at 11:15.

**ПРИСЪСТВЕН ЛИСТ/LISTA DE ASISTENCIA/PREZENČNÍ LISTINA/DELTAGERLISTE/
ANWESENHEITSLISTE/KOHALOLIJATE NIMEKIRI/KATAΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD OF ATTENDANCE/
LISTE DE PRÉSENCE/ELENCO DI PRESENZA/APMEKLĒJUMU REĢISTRS/DALYVIŲ SAŖAŠAS/JELENLÉTI ÍV/
REĢISTRU TA' ATTENDENZA/PRESENTIELIJST/LISTA OBECNOŠCI/LISTA DE PRESENÇAS/LISTĂ DE PREZENȚĂ/
PREZENČNÁ LISTINA/SEZNAM NAVZOČIH/LÄSNÄOLOLISTA/DELTAGARLISTA**

Бюро/Mesa/Předsednictvo/Formandskabet/Vorstand/Juhatus/Προεδρείο/Bureau/Ufficio di presidenza/Prezidijs/Biuras/Elnökség/ Prezydium/Birou/Předsednictvo/Předsedstvo/Puheenjohtajisto/Presidiet (*)
Graham Watson, Charalampos Angourakis
Членове/Diputados/Poslanci/Medlemmer/Mitglieder/Parlamendiliikmed/Μέλη/Members/Députés/Deputati/Deputāti/Nariai/Képviselők/ Membri/Leden/Posłowie/Deputados/Deputați/Jäsenet/Ledamöter
Peter van Dalen, Karima Delli, Bill Newton Dunn, Silvia-Adriana Țicău
Заместници/Suplentes/Náhradníci/Stedfortrædere/Stellvertreter/Asendusliikmed/Αναπληρωτές/Substitutes/Suppléants/Supplenti/ Aizstājēji/Pavadoojantys nariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy/Membros suplentes/Supleanți/Náhradníci/Namestniki/ Varajäsenet/Suppleanter
Jean Lambert

187 (2)
193 (3)
49 (6) (Точка от дневния ред/Punto del orden del día/Bod pořadu jednání (OJ)/Punkt på dagsordenen/Tagesordnungspunkt/Päevakorra punkt/Ημερήσια Διάταξη Σημείο/Agenda item/Point OJ/Punto all'ordine del giorno/Darba kārtības punkts/Darbotvarkēs punktas/ Napirendi pont/Punt fuq l-agenda/Agendapunt/Punkt porządku dziennego/Ponto OD/Punct de pe ordinea de zi/Bod programu schôdze/ Točka UL/Esityslistan kohta/Föredragningslista punkt)

Наблюдатели/Observadores/Pozorovatelé/Observatører/Beobachter/Vaatlejad/Παρατηρητές/Observers/Observateurs/Osservatori/ Novērotāji/Stebėtojai/Megfigyelők/Osservatori/Waarnemers/Observatorzy/Observadores/Observatori/Pozorovatelja/Opazovalci/ Tarkkailijat/Observatörer

По покана на председателя/Por invitación del presidente/Na pozvání předsedy/Efter indbydelse fra formanden/Auf Einladung des Vorsitzenden/Esimehe kutsel/Με πρόσκληση του Προέδρου/At the invitation of the Chair(wo)man/Sur l'invitation du président/Su invito del presidente/Pēc priekšsēdētāja uzaicinājuma/Pirmininkui pakvietus/Az elnök meghívására/Fuq stedina tal-President/Op uitnodiging van de voorzitter/Na zaproszenie Przewodniczącego/A convite do Presidente/La invitația președintelui/Na pozwanie predsedu/Na povabilo predsednika/Puheenjohtajan kutsusta/På ordförandens inbjudan
Baldini (Médecins sans frontières)

Съвет/Consejo/Rada/Rådet/Rat/Nōukogu/Συμβούλιο/Council/Conseil/Consiglio/Padome/Taryba/Tanács/Kunsill/Raad/Conselho/Consiliu/Svet/Neuvosto/Rådet (*)
Комисия/Comisión/Komise/Kommissionen/Kommission/Euroopa Komisjon/Επιτροπή/Commission/Commissione/Komisija/Bizottság/Kummissjoni/Commissie/Komisja/Comissão/Comisie/Komisja/Komissio/Kommissionen (*)
Naughton, Johansson, Wilkinson, Grünberg
Други институции/Otras instituciones/Ostatní orgány a instituce/Andre institutioner/Andere Organe/Muud institutsioonid/Άλλα θεσμικά όργανα/Other institutions/Autres institutions/Altre istituzioni/Citas iestādes/Kitos institucijos/Más intézmények/Istituzzjonijiet oħra/Andere instellingen/Inne instytucje/Outras Instituições/Alte instituții/Iné inštitúcie/Druge institucije/Muut toimielimet/Andra institutioner/organ

Други учасници/Otros participantes/Ostatní účastníci/Endvidere deltog/Andere Teilnehmer/Muud osalejad/Επίσης Παρόντες/Other participants/Autres participants/Altri partecipanti/Citi klātesošie/Kiti dalyviai/Más résztvevők/Partecipanti ohra/Andere aanwezigen/Inni uczestnicy/Outros participantes/Alți participanți/Iní účastníci/Drugi udeleženci/Muut osallistujat/Övriga deltagare	
Godeanu (Less means more), Prem (Indian Embassy), Manzour (Embassy of Pakistan), Gurvich (Hindu Forum of Europe) - Greif, Jung, Bokodi, Roatis, Palamakumbura (MEPs' assistants), Shvedova	
Секретариат на политическите групи/Secretaría de los Grupos políticos/Sekretariát politických skupin/Gruppenes sekretariat/Sekretariat der Fraktionen/Fraktsioonide sekretariaat/Γραμματεία των Πολιτικών Ομάδων/Sekretariats of political groups/Secrétariat des groupes politiques/Segreteria gruppi politici/Politisko grupu sekretariāts/Frakciju sekretoriai/Képviseletcsoportok titkársága/Sekretarjat gruppi politici/Fractiesecretariaten/Sekretariat Grup Politycznych/Secr. dos grupos políticos/Sekretariate grupuri politice/Sekretariát politických skupin/Sekretariat političnih skupin/Poliittisten ryhmien sihteeristöt/Gruppenas sekretariat	
PPE	Bastiaansen
S&D	Van de Putte
ALDE	Zaczek
ECR	De Jong
Verts/ALE	De Fabritus
GUE/NGL	
EFD	
NI	

Кабинет на председателя/Gabinete del Presidente/Kancelář předsedy/Formandens Kabinet/Kabinett des Präsidenten/Presidendi kantsleii/Γραφείο Προέδρου/President's Office/Cabinet du Président/Gabinetto del Presidente/Priekšsēdētāja kabinets/Pirmininko kabinetas/Elnöki hivatal/Kabinett tal-President/Kabinet van de Voorzitter/Gabinet Przewodniczącego/Gabinete do Presidente/Cabinet Preşedinte/Kancelária predsedu/Urad predsednika/Puhemiehen kabinetti/Talmannens kansli	
Кабинет на генералния секретар/Gabinete del Secretario General/Kancelář generálního tajemníka/Generalsekretærens Kabinet/Kabinett des Generalsekretärs/Peasekretäri büroo/Γραφείο Γενικού Γραμματέα/Secretary-General's Office/Cabinet du Secrétaire général/Gabinetto del Segretario generale/Generalsekretära kabinets/Generalinio sekretoriaus kabinetas/Főtitkári hivatal/Kabinett tas-Segretarju Generali/Kabinet van de secretaris-generaal/Gabinet Sekretarza Generalnego/Gabinete do Secretário-Geral/Cabinet Secretar General/Kancelária generálneho tajomníka/Urad generalnega sekretarja/Pääsihteerin kabinetti/Generalsekreterarens kansli	
Генерална дирекция/Dirección General/Generální ředitelství/Generaldirektorat/Generaldirektion/Peadirektoraat/Γενική Διεύθυνση/Directorate-General/Direction générale/Direzione generale/Generāldirektorāts/Generalinis direktoratas/Főigazgatóság/Direttorat Generali/Direktoraten-generaal/Dyrekcja Generalna/Direcção-Geral/Direcții Generale/Generálne riaditeľstvo/Generalni direktorat/Pääosasto/Generaldirektorat	
DG PRES DG IPOL DG EXPO DG COMM DG PERS DG INLO DG TRAD DG INTE DG FINS DG ITEC	
Правна служба/Servicio Jurídico/Právní služba/Juridisk Tjeneste/Juristischer Dienst/Öigusteenistus/Νομική Υπηρεσία/Legal Service/Service juridique/Servizio giuridico/Juridiskais dienests/Teisės tarnyba/Jogi szolgálat/Servizz legali/Juridische Dienst/Wydział prawny/Serviço Jurídico/Serviciu Juridic/Právny servis/Pravna služba/Oikeudellinen yksikkö/Rättstjänsten	
Секретариат на комисията/Secretaría de la comisión/Sekretariat výboru/Udvalgssekretariatet/Ausschusseksretariat/Komisjoni sekretariaat/Γραμματεία επιτροπής/Committee secretariat/Secrétariat de la commission/Segreteria della commissione/Komitejas sekretariāts/Komiteto sekretoriatas/A bizottság titkársága/Sekretarjat tal-kumitat/Commissiesecretariaat/Sekretariat komisji/Sekretariado da comissão/Secretariat comisie/Sekretariat odbora/Valiokunnan sihteeristö/Utskottssekretariatet	
Boden	
Сътрудник/Asistente/Asistent/Assistent/Assistenz/Βοηθός/Assistant/Assistente/Palīgs/Padējējas/Asszisztens/Asystent/Pomočnik/Avustaja/Assistenten	
Mollet	

- * (P) = Председател/Presidente/Předseda/Formand/Vorsitzender/Esimees/Πρόεδρος/Chair(wo)man/Président/Priekšsēdētājs/Pirmininkas/Elnök/President/Voorzitter/Przewodniczący/Preşedinte/Predseda/Predsednik/Puheenjohtaja/Ordförande
- (VP) = Заместник-председател/Vicepresidente/Místopředseda/Næstformand/Stellvertretender Vorsitzender/Aseesimees/Αντιπρόεδρος/Vice-Chair(wo)man/Vice-Président/Priekšsēdētāja vietnieks/Pirmininko pavaduotojas/Alelnök/Víci President/Ondervoorzitter/Wiceprzewodniczący/Vice-Présidente/Vicepreşedinte/Podpredseda/Podpredsednik/Varapuheenjohtaja/Vice ordförande
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