

TACD

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DES CONSOMMATEURS

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ACCESS TO MEDICINES IN DEVELOPING COUNTRIES

1. TACD recommends that public health considerations be paramount in trade policies as they relate to access to medicines.

The US and EU governments should review trade policies to ensure that developing countries do not face trade related barriers for access to essential medicines and other medical technologies, in a manner consistent with the World Health Assembly (WHA) Revised Drug Strategy, EB103/4, which calls upon member countries:

- to reaffirm their commitment to developing, implementing and monitoring national drug policies and to taking all necessary concrete measures in order to ensure equitable access to essential drugs;
- to ensure that public health interests are paramount in pharmaceutical and health policies; and
- to explore and review their options under relevant international agreements, including trade agreements, to safeguard access to essential drugs;

TACD asks the US, the EU and its member countries to report back to the TACD on the steps taken to implement the WHA Revised Drug Strategy in trade policy.

2. TACD supports the creation of a World Trade Organization (WTO) Working Group on Access to Medicines.

This working group would identify problems concerning access to medicines, provide a public health framework for the interpretation of key features of WTO agreements, and evaluate and propose changes in the WTO rules that would expand access to medicines.

3. TACD recommends the US, the EU and other developed countries enter into an agreement to support far higher levels of research and development (R&D) for neglected diseases.

Today there is very little R&D on diseases such as *malaria*, *chagas* disease and other illnesses that have an impact on the poor. R&D efforts for neglected diseases should be designed with access in mind, and address issues such as reasonable pricing and the allocation of intellectual property rights.

4. TACD recommends the US, the EU, and its member countries, enter into agreements with the World Health Organization (WHO) to give the WHO licenses to use publicly funded health care inventions in developing countries.

5. TACD asks the US and the EU to support patent exceptions for the export of medicines.

The EU and the US should send communications to the WTO supporting interpretations of WTO Agreement on Trade Related Aspects of Intellectual Property (TRIPs) provisions that would permit patent exceptions for production of medicines for export, when the legitimate rights of patent owners are protected in the export market. For example, patent exceptions should permit the production and export of a medicine to a country that had issued a TRIPs compliant compulsory license for medicine. A failure to address this issue will substantially undermine the usefulness of compulsory licensing of medicines in countries with small domestic markets.

6. TACD demands that the US and EU governments stop putting pressures on developing countries to adopt levels of intellectual property protection for medicines that exceed the requirements of the WTO TRIPs Agreement. This is consistent with Article 1 of the TRIPs, which states that WTO member countries "shall not be obliged to . . . implement in their law more extensive protection than is required by this Agreement."