

Dutch seizure puts pressure on access to medicines in developing countries

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Health Action International and Oxfam Novib are calling on the Dutch government to launch an immediate inquiry into the seizure of a shipment of generic blood pressure medicine en route from India to Brazil. The seizure in Rotterdam represents the latest case of European enforcement of intellectual property (IP) rights trumping access to medicines. The worrying trend of intercepting legitimate trade between generics manufacturers and developing country consumers could severely impact the affordability and availability of medicines in developing countries.

The blood pressure medicine, Losartan, is not under patent protection either in India or Brazil and thus, can be traded freely between the two countries. Despite this, the drug shipment had to be returned to India.

The Brazilian representative at the Executive Board meeting of the World Health Organization responded harshly to the incident, declaring that, "the Brazilian Government considers that the decision by the Dutch authorities to detain an input which is strategic to public health in a developing country, and exported in conformity with the existing international norms, represents a grave drawback in the treatment of the issue of universal access to medicines."

The seizure displays alarming policy incoherence by the Dutch government, who have been staunch supporters of the 2001 Doha Declaration on the TRIPS (Trade Related Aspects of Intellectual Property Rights) Agreement and Public Health, which reaffirmed the priority of public health interests over the enforcement of IP rules. The fact that this is not an isolated case provides yet more evidence that the European Union is employing powerful IP enforcement standards without due consideration of public health and development in developing countries.

"There is no doubt that this seizure contradicts the Dutch government's policy on international public health and development, and in the process, seriously undermines access to medicines policy" says Sophie Bloemen, European Projects Officer at Health Action International (HAI).

The actions of the Dutch authorities are viewed by many as another attempt to entrench extraterritorial enforcement of IP rights above all other concerns. This incoherence is unacceptable and the Netherlands and the EU Member States must bring their actions into line with their public health and development commitments in both regional European and international multilateral fora.

"This latest seizure should be a call to action for the Dutch government. They should urgently review this case to ensure that this mistake is not repeated. At the same time, they should take the opportunity to examine whether the EU regulation that has created this regime must also be changed" says Sabina Voogd from Oxfam Novib.

The ripple effects of this incident are nowhere near over, already under discussion at the World Trade Organization, it will surely be a hot topic when trade representatives from the Indian and Dutch governments meet next week in India.

PRESS RELEASE

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