

## Intellectual Property Rights and Access to Medicines

### Themes

- Access to medicines
- The EU-CAN negotiations and the division of the CAN
- Bilateral trade agreements
- Intellectual property rights provisions
- Access to generics as a vital part of Public health
- Contentious issues in the Commission's IPR proposals to the CAN countries

### Background

The European Union (EU) and the countries of the Andean Community (CAN) are in the process of negotiating trade agreements. Initially an Association Agreement between the two blocks, the first round of negotiations took place in September 2007 and four rounds have since been concluded, with the latest taking place from the 9<sup>th</sup> - 13<sup>th</sup> February 2009 in Bogota. The negotiations are proceeding bilaterally.

These agreements will include a chapter on Intellectual property rights (IPRs) and civil society organisations in Bolivia, Colombia, Peru, and Ecuador are concerned that the agreements will include rigid IPR standards. Rigid intellectual property rights are highly controversial for public health as they can present a barrier to Access to Medicines. They restrict and delay generic competition, thereby increasing the cost of medicines or keeping prices high, which is particularly detrimental in transitional and developing countries. Moreover, the IPR provisions in the European Commission's proposals to the CAN countries are not in line with European Parliament resolutions and EU commitments in the Area of Access to Medicines and Policy Coherence.

### Objectives

This expert meeting aims to raise awareness among Members of the European Parliament about the contentious IPR elements being negotiated in trade agreements with developing countries. The meeting will focus particularly on the trade agreements between the EU and the countries of the Andean Community (CAN), but it will also be relevant for the EU's policy on IPR towards third countries in general.

### Participants

The meeting will facilitate discussion of these issues with the various stakeholders, bringing together MEPs, mainly from the DEVE, INTA, AFET, and ENVI Committees, representatives from DG Trade and DG Development at the European Commission, the Ambassador of Bolivia, and civil society.

### Speakers

The meeting will include the guest speakers, **Mr. German Holguin, Director of the Colombian NGO, Mision Salud** on behalf of civil society from the CAN countries, along with **Profesor Xavier Seuba Hernandez**, of the Pompeu Fabra University in Barcelona, who was the first to analyse the IPR provisions in the European Commission's proposal.

### Key messages

The EC proposal to the CAN countries is not in line with recent commitments made by the European Community on Public Health:

1. **The 'Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property', World Health Assembly, May 2008, Resolution 62.21**
2. **The Doha Declaration, 2001, World Trade Organization**
3. **The European Parliament's recommendations as laid down in Resolution P6\_TA(2007)0080 and its Resolution on Access to Medicines P6\_TA(2007)0353**
4. **Provisions on Policy Coherence for Development (PCD) contained in Article 178 of the EC Treaty (obliging the European Commission to recognise its commitment to support development, and not to pursue stringent IP regulations that undermine that commitment).**

Yet, the pursuit of extremely high IPR standards remains a consistent part of EU trade policy, clearly reflected in the EC's approach to negotiations with the CAN countries.

This expert meeting is part of a broader campaign by Health Action International, the Evert Vermeer Foundation and a broad coalition of civil society organisations both in Europe and in Latin America. The ultimate aim of the European campaign is to have the EC take full account of the public health perspective and remove contentious provisions from their proposal to the CAN countries.

For more information please see the following documents:

**Policy Brief:** The EU-CAN Association Agreement. Access to medicines in jeopardy. <http://www.haiweb.org/18122008/2%20Dec%202008%20Policy%20Brief%20EU-CAN%20Access%20to%20Medicines%20in%20jeopardy.pdf>

**Factsheet:** Threatening access to medicines: The negotiations between the European Union and the Andean Community. <http://www.haiweb.org/18122008/Dec%202008%20Issue%20Quick%20Sheet%20EU-CAN%20Assoc.pdf>

**Publication:** Health Protection in the New Association Agreement between the Andean Community and the European Community. Xavier Seuba Hernandez. [http://www.haiweb.org/20012009/19%20Dec%202008%20Policy%20Paper%20EU-CAN%20Association%20Agreement%20\(Final%20EN\).pdf](http://www.haiweb.org/20012009/19%20Dec%202008%20Policy%20Paper%20EU-CAN%20Association%20Agreement%20(Final%20EN).pdf)

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