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MOTION FOR A RESOLUTION

further to Question for Oral Answer B6-0310/2006

pursuant to Rule 108(5) of the Rules of Procedure

by Vittorio Agnoletto, Helmuth Markov, Mary Lou McDonald and Umberto Guidoni

on behalf of the GUE/NGL Group

on counterfeiting medicines

B6-0476/2006

European Parliament resolution on counterfeiting medicines

The European Parliament,

– having regard to the WHO resolution of 29 May 2006 on public health, innovation, essential research and intellectual property,

– having regard to Rule 108(5) of its Rules of Procedure,

A. whereas the counterfeiting of medicines is increasing in the world, with the WHO estimating that 6% of the drugs on the world market, and 25% of those consumed in developing countries, are counterfeit, with very serious consequences for public health,

B. whereas this trafficking in fake medicines is partly a consequence of the lack of public access to genuine medicines supervised by the public authorities, the dismantling of public health services and the excessive privileges of private drug laboratories,

C. whereas in developing countries in particular the excessive cost of the medicines needed to fight diseases such as malaria, tuberculosis and HIV/Aids obliges people to use counterfeit products which are subject to no public scrutiny,

D. whereas an important group of developing countries has been asking consistently for a reform of the TRIPS agreement as a priority point in the negotiations in the framework of the WTO in order to facilitate the production and export to developing countries of generic medicines under the supervision of their own public health services and the WHO,

1. Expresses concern at the difficulties people face in gaining access to medicines which are supervised by the health authorities and at the use both in developing countries and in Europe of counterfeit medicines subject to no quality control;

2. Considers that access to medicines is more important than the commercial interests of the owners of the rights to them, and points out that in some cases medicines produced without a licence have saved the lives of many people;

3. Expresses concern at the fact that, although the agreement of August 2003 was designed to give developing countries access to medicines, no notification has been submitted to the WTO so far under this agreement, because the conditions are too stringent to be practicable, and considers that this highlights the need to reform the TRIPS agreement;

4. Calls, therefore, on the Commission to promote a reform of the TRIPS agreement at the WTO and to help developing countries to improve their public health services and to monitor the quality of medicines;

5. Considers that the fight against counterfeiting can be effective only if, at the same time, licensing costs for medicines and the period during which such costs must be paid are reduced;

6. Considers that health is a fundamental human right and the obligation to respect this right cannot be replaced by charitable operations;

7. Calls on the Commission to establish, in close cooperation with the health services of the Member States, a plan to fight the scourge of counterfeit medicines on EU territory more effectively;

8. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Directors of the WHO and of the WTO, the UN Secretary-General and the UN High Commissioner for Human Rights.