

ORAL QUESTION H-0109/09
for Question Time at the part-session in March I 2009
pursuant to Rule 109 of the Rules of Procedure
by David Martin
to the Council

Subject: Seizure of generic medicines in transit in the Netherlands

With reference to the seizure in the Netherlands of generic medicines in transit, can the Council clarify why the medicines were seized given that the footnote to Article 51 of the TRIPS (Trade Related aspects of Intellectual Property Rights) Agreement does not impose an obligation to inspect for alleged patent infringement for goods in transit?

Does the Council consider that this seizure contravenes Article 41 of the TRIPS Agreement, which states that IP enforcement should not create barriers to trade?

Would the Council support the inclusion of similar IP rights provisions in any of the new generation of FTAs (Free Trade Agreements) or other bilateral trade agreements?

What steps will the Council take to ensure that the supply of generic medicines to developing countries is not thwarted by similar seizures in future?

Tabled: 23.02.2009
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