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MOTION FOR A RESOLUTION

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by Elly Plooijs-van Gorsel, Nicholas Clegg, Willy C.E.H. De Clercq and Astrid Thors

on behalf of the ELDR Group

on the authorisation to use generic medicines in the WTO

European Parliament resolution on the authorisation to use generic medicines in the WTO

The European Parliament,

- having regard to the WTO Ministerial Declaration on the TRIPS agreement and public health, adopted on 14 November 2001 in Doha,
 - having regard to its report on the EU approach to the WTO Millennium Round (Doc. A5-0062/1999 - Schwaiger report) and its resolution of 25 October 2001 on the Fourth Ministerial Conference of the World Trade Organisation in Doha,
 - having regard to its report on accelerated action targeted at major communicable diseases within the context of poverty reduction (Doc. A5-0263/2001 - Khanbhai report),
 - having regard to its report on an EU regulation on aid for poverty diseases (HIV/AIDS, malaria and tuberculosis) in developing countries (Doc. A5-0394/2002 - Wijkman report),
 - having regard to the proposal for a Council decision on Community participation in a research and development programme aimed at developing new clinical interventions to combat HIV/AIDS, malaria and tuberculosis through a long-term partnership between Europe and the developing countries, undertaken by a number of Member States and Norway,
- A. whereas many of the poorest developing countries face severe health crises and are in urgent need of improved access to affordable essential medicines for treatment of communicable diseases and whereas these countries are heavily dependent on imports of medicines as local manufacturing is scarce,
- B. whereas there is a proposal for a Council regulation to avoid trade diversion into the European Union of certain key medicines (COM(2002) 0592),
1. Points out that combating major communicable diseases in developing countries is a key area of poverty reduction;
 2. Recalls that the Doha Declaration stated that 'the TRIPS Agreement does not and should not prevent members from taking measures to protect public health', that it "can and should be interpreted and implemented in a manner supportive of WTO members' right to protect human health and, in particular, to promote access to medicines for all", and reaffirms 'the right of WTO members to use, to the full, the provisions in the TRIPS Agreement which provide flexibility for this purpose';

3. Recognises that there is a need to encourage pharmaceutical producers to make available pharmaceutical products at sharply reduced prices in significantly increased volumes by ensuring that these products remain on these markets;
4. Calls on WTO members to honour the intention of paragraph 6 of the Doha Declaration, which recognises that WTO members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS agreement;
5. Considers it important that efficient dispositions are taken to avoid parallel imports into the European Union of medicines, generic or others, destined for developing countries;
6. Stresses that the rules on intellectual property rights must ensure that the results of EU funded research provide the people of the developing countries with easy and affordable access to the new products;
7. Deplores the American position, which appears to go back on the commitments made at Doha; welcomes, however, the efforts of the Commission to secure the implementation of paragraph 6 of the Doha Declaration on TRIPS and public health by suggesting a multilateral solution and giving an advisory role to the World Health Organisation;
8. Urges WTO members to find a solution to paragraph 6 of the Doha Declaration, as two deadlines have already been missed, and there is the risk that the deadlock will derail the whole Doha development round, undermining developing countries' and public confidence in the WTO and more generally in globalisation;
9. Recalls that, to make these programmes and actions successful and effective for the population of developing countries, a clear commitment from the governments of these countries should be made regarding the setting-up of infrastructures (such as telecommunications, transport, research), and also regarding the fight against corruption;
10. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the WTO and the US Government.