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## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Vittorio Agnoletto, Felekna Uca, Dimitrios Papadimoulis, Adamos Adamou and Luisa Morgantini

on behalf of the GUE/NGL Group

on HIV/AIDS and other epidemics

**European Parliament resolution on HIV/AIDS and other epidemics**

*The European Parliament,*

- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the global AIDS epidemic continues to grow and there is concerning evidence that some countries are seeing a resurgence in new HIV infection rates, which were previously stable or declining,
- B. whereas, according the latest UNAIDS report, an estimated 39.5 million people are living with HIV, there were 4.3 million new infections in 2006 with 2.8 million (65%) of these occurring in Sub-Saharan Africa and important increases in Eastern Europe and Central Asia, where there are some indications that infection rates have risen by more than 50% since 2004, and in 2006 2.9 million people died of AIDS-related illnesses,
- C. whereas 30 000 people die every day – 11 million every year – mainly in developing countries, because they did not receive the healthcare needed to save them from the main epidemics,
- D. whereas, in Malawi for example, where the state cannot afford the costs faced in developed countries, 10% of the total population is HIV-positive, while per capita income is under EUR 400,
- E. whereas the industrialised countries have succeeded in prolonging the protection for patents from 5-15 years, depending on countries, to 20 years, and whereas, furthermore, they include in most of their bilateral free trade agreements provisions that increase the protection of patents further than what is provided for in the TRIPS agreement;
- F. whereas the drug Lamivudine, the most common HIV medication today, costs less than EUR 43 to produce, but the patented version is sold, in France for example, for EUR 1 730, excluding taxes,
- G. whereas, five years after the Doha Declaration, which stated that each WTO member state 'has the right to grant compulsory licences and the freedom to determine the grounds upon which such licenses are granted', the WHO has warned that 74% of AIDS medicines are still under monopoly and 77% of Africans still have no access to AIDS treatment,
- H. whereas the WTO Decision of 30 August 2003 on generic medicines was supposed to be a response to finding an 'expeditious solution' to the crisis in access to medicines faced by developing countries, but has now proved instead to introduce intricate, time-consuming and burdensome procedures for the exportation of medicines, when what is needed is a simple, fast and automatic mechanism,
- I. whereas, despite the inefficiency of this Decision of 30 August 2003, the WTO turned it

into a permanent solution in December 2005, after rejecting the demand from African and other countries for the procedures to be simplified in order genuinely to facilitate access to medicines for the poor,

- J. whereas, furthermore, Mr Pedro Cheques, Director of the Brazilian National AIDS Programme, has complained that 'the use of the Doha Declaration is almost impossible in practice because of political pressure exerted by the Bush administration',
  - K. whereas the current TRIPS agreement condemns millions of poor to death every year, constituting a major and massive human rights violation of our time; whereas, at the same time, the private pharmaceutical industry, which draws substantial benefits from the results of public fundamental research, is highly profitable, occupying the top of Fortune 500 for most of last two decades, while devoting on average twice more money to marketing than to research into new medicines,
  - L. whereas the pharmaceutical industry is afforded this protection under the pretext of assisting research, but the research conducted by this industry is commercially-oriented, less than 10% of medical research is directed towards the epidemics affecting 90% of the world population and only 1% of new medicines placed on the market concern major epidemics affecting developing countries,
  - M. whereas, owing to the application of TRIPS from 1 January 2005 to new first-line ARV drugs, the average cost in Brazil for example rose from USD 1 300 in 2003 to USD 2 500, thereby undermining the sustainability of universal coverage,
  - N. whereas international HIV/AIDS targets are far from being met, and whereas there is no firm commitment as to where the USD 20-23 billion still needed to comply with the international campaign will come from,
1. Expresses, on the occasion of 1 December 2006, World HIV/AIDS Day, its deepest concern and indignation at the spread of HIV/AIDS and other epidemics which mainly affect the poor, owing to the lack of access to medicines because of patents, the lack of economic resources allocated to combating such diseases by industrialised countries, in particular the G8, and the lack of research on major epidemics;
  2. Calls on the Commission and the Member States, five years after the adoption of the Doha Declaration, to recognise that its application has been a complete failure, as the WTO has received no notification from any exporting or importing country of compulsory medicines, and that the same applies to the 30 August 2003 agreement;
  3. Calls on the Commission and the Member States to take the necessary steps within the WTO, in cooperation with developing countries, to modify the TRIPS agreement and its article based on the 30 August 2003 Decision, in order to abolish the complex time-consuming procedural steps for the authorisation of compulsory licences and meet urgent health needs, adopting automatic solutions to allow all countries to produce or import any generic medicines required to face the worst epidemics that mankind has ever faced and limit the scandalous forms of protection and advantages granted to major pharmaceutical companies;

4. Encourages and calls on all countries facing major epidemics immediately to make use of Article 30 of the TRIPS Agreement in order to use the necessary medicines without paying royalties to patent owners, in the same way as the US publicly announced it would do, if necessary, to combat the Anthrax epidemic, and calls on the EU to use its influence to ensure that no judicial action is taken against those who make use of this right;
5. Calls on the Member States and the Commission to increase their contribution to the HIV-AIDS funds significantly so as to make it possible to meet the target of halting the progression of epidemics by 2015 and beginning to reverse the spread of HIV/AIDS, as set in the UN Millennium Campaign;
6. Calls, therefore, on the Commission to increase to EUR 1 billion its contribution to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as clearly requested by Parliament in its resolution of 2 December 2004, and on all Member States and G8 members to increase their contribution to EUR 7 billion for 2006, and EUR 8 billion in 2008, in order to provide UNAIDS with the necessary resources to reduce the impact of the epidemics;
7. Calls on the Commission and the Member States to earmark more public funding for research into medicines relating to the main epidemics affecting the poor, and oblige the private sector companies which benefit from public research to devote a reasonable proportion of their research to such diseases;
8. Draws attention to the fact that strong public-sector health services, including research services, are essential to fight the epidemics; calls, therefore, on the industrial countries to refrain from exerting pressure on developing countries to liberalise public-sector health services, in bilateral or multilateral negotiations or through IFI conditionalities;
9. Considers that medicines which are urgently needed to save millions of lives cannot be considered as ordinary commodities or merchandise, regulated by the laws of the market, and calls, therefore, on the public authorities of all countries to take appropriate action to establish the necessary public structures required to develop research by public-sector researchers, and to oblige pharmaceutical companies to devote a higher percentage of their profits to research aimed at fighting real health problems such as major epidemics, instead of purely commercial products;
10. Instructs its President to forward this resolution to the Commission, the Council and the Director of UNAIDS.