

**Question for written answer E-000800/2014
to the Commission**
Rule 117
Mike Nattrass (NI)

Subject: Thalidomide

Thalidomide was developed in the 1950s by the West German pharmaceutical company Chemie Grünenthal GmbH. It is a powerful drug that was sold over the counter and prescribed to many pregnant women principally during the period 1958-1962 before being withdrawn. There were over 20 000 live births of severely impaired babies worldwide, though it is estimated that at least 100 000 babies died in utero. Then, knowing all this, they released the drug in Spain in 1965!

1. Can the Commission explain why EU citizens, originating from different Member States but all equally victims of the thalidomide disaster, are not being compensated by Grünenthal?
2. Is it legally acceptable for Grünenthal to enjoy protection from a Member State in order not to be held responsible for the suffering of citizens residing in other Member States, when equality is one of the key values on which the EU is founded?
3. The Commission states that '[h]ealth policy, as well as the organisation and delivery of healthcare, is a Member State competence under Article 168 of the Treaty. As such, injury compensation schemes are not a matter of EU competence'. Can the Commission explain why Grünenthal is not being held responsible for the damage and suffering it has caused due to its negligence? This is not about health, this is about negligence.
4. Why should national Member State governments be forced to provide compensation schemes from their taxpayers' money, when the cause is another Member State blocking claims?
5. If the German Government is able to unilaterally protect a company from claims, can we presume that the UK Government can protect UK companies from claims originating from the other 27 Member States?