

**Question for written answer E-003845/2018
to the Commission**
Rule 130
Nessa Childers (S&D)

Subject: EU-Ukraine Association Agreement and access to medicines

The Ukrainian healthcare system is undergoing sensitive reforms, including a legislative review to ensure access to medicines and medical treatment.

In a context where 95 % of Ukrainian citizens have to purchase medication out of their own pockets and 15 % of the population are forced either into indebtedness or into forgoing unaffordable treatment, could the Commission justify its stance in the framework of the EU-Ukraine Association Agreement, whereby it requires the Ukrainian intellectual property rights regime to continue patenting new forms of known medicines, thus artificially extending monopolies on medicines despite the fact that such minor changes to medicines deviate from the internationally recognised criteria for an inventive step and thus do not constitute an invention?

Would the Commission be willing to reconsider this stance and afford the Ukrainian authorities the flexibility foreseen under international trade law, thus enabling them to improve public health provision, as a matter of fundamental human rights and under highly challenging national circumstances?

Specifically, would the Commission be willing to accept the Ukrainian government's draft law No 7538 amending the law on 'Protection of Rights on Inventions and Utility Models', which has now been submitted to the Ukrainian parliament, in its current form, which aims at safeguarding against evergreening practices, streamlining compulsory licensing and ensuring the timely marketing of generic medicines?