Resolution on the TRIPS agreement and access to medicines

2007/2595(RSP) - 11/07/2007

The House held a debate on Oral Questions **O-0036/2007** and **O-0037/2007** pursuant to Rule 108 of the Rules of Procedure by Gianluca Susta and Johan Van Hecke, on behalf of the ALDE Group, Kader Arif, on behalf of the PSE Group, Georgios Papastamkos, on behalf of the PPE-DE Group, Vittorio Agnoletto and Helmuth Markov, on behalf of the GUE/NGL Group, Carl Schlyter, on behalf of the Verts/ALE Group, Cristiana Muscardini, on behalf of the UEN Group to the Council and the Commission on the TRIPS Agreement and access to medicines.

Oral Question O-0036/2007:

The WTO Decision of 30 August 2003 was supposed to be an 'expeditious solution' to the crisis in access to medicines faced by developing countries with no or little manufacturing capacity. The amendment to the TRIPS Agreement disregards the fact that there is no proof of the Decision's efficacy. The European Parliament has now to give its assent.

In this context, could the Council:

Give its views on the mechanism created by the WTO Decision of 30 August 2003 and the Protocol to the TRIPS Agreement and, given the restricted use of the mechanism so far, explore the possibilities to improve its efficiency;

Adopt a Joint Policy Statement with the European Parliament on the necessity to find alternative ways, in particular the possibility to use the Article 30 exception provision of the TRIPS Agreement, which could be used by countries or groups of countries to find viable solutions to the problem of access to medicines at affordable prices;

Commit to restricting the mandate to the Commission in order not to negotiate pharmaceutical-related TRIPS-plus provisions affecting public health and access to medicines in the Economic Partnership Agreements (EPAs) with the ACP countries and other future bilateral and regional agreements with poor developing countries;

State that the European Union supports the developing countries which use the so-called flexibilities built into the TRIPS Agreement in order to be able to provide essential medicines at affordable prices under their domestic public health programmes;

Recognise that the European Union must take additional measures as a matter of urgency with a view to encouraging the transfer of technology, research, capacity strengthening, regional supply systems and help with registration, in order to facilitate and increase the production of pharmaceutical products by the developing countries themselves?

If not, can the Council explain why not?

Oral Question O-0037/2007:

The WTO Decision of 30 August 2003 was supposed to be an 'expeditious solution' to the crisis in access to medicines faced by developing countries with no or little manufacturing capacity. The amendment to

the TRIPS Agreement disregards the fact that there is no proof of the Decision's efficacy. The European Parliament has now to give its assent.

In this context, could the Commission:

Give its views on the mechanism created by the WTO Decision of 30 August 2003 and the Protocol to the TRIPS Agreement and, given the restricted use of the mechanism so far, explore the possibilities to improve its efficiency;

Express its view on the importance of not negotiating pharmaceutical-related TRIPS-plus provisions affecting public health and access to medicines in the framework of the Economic Partnership Agreements (EPAs) with the ACP countries and other future bilateral and regional agreements with poor developing countries;

Explain which are in its view new and realistic solutions that could be used by countries or groups of countries to find viable and long lasting solutions to the problem of access to medicines at affordable prices and stimulate direct investment in local production facilities within a region;

Explain by which means it intends to support the work of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property process at the WHO;

Define a fair/adequate level of funding to upgrade or construct pharmaceutical production facilities owned by local persons in developing (including least developed) countries, and increase its aggregate funding to public private partnerships pursuing research and development of medicines of special relevance to developing countries?

If not, can the Commission explain why not?

The resolution winding up this debate was due to be put to the vote on 12 July 2007.