Resolution on the TRIPS agreement and access to medicines

2007/2595(RSP) - 12/07/2007 - Text adopted by Parliament, topical subjects

Following the debate which took place during the sitting of 11 July 2007 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.

The resolution underlines that access to affordable pharmaceutical products in poor developing countries and LDCs is essential to attain the proposed EU development goals and would contribute to poverty reduction, increase human security, and promote human rights and sustainable development. The Parliament believes that EU policy should aim at maximizing the availability of pharmaceutical products at affordable prices in the developing world.

The Commission and the Member States are asked to provide concrete financial support for pharmaceutical-related transfer of technology and capacity-building for developing countries and local production of pharmaceuticals in all developing countries.

The Council is invited to:

- commit to a specified level of funding to upgrade or construct pharmaceutical production facilities owned by local persons in developing countries (including LDCs), and increase the EU's aggregate funding to Public-Private Partnerships pursuing research and development of medicines of special relevance to developing countries;
- support the idea that the mechanism created by the WTO Decision and the Protocol to the TRIPS Agreement represents just a part of the solution to the problem of access to medicines and public health and that other measures to improve health care and infrastructure are equally indispensable;
- support the developing countries which use the so-called flexibilities built into the TRIPS Agreement and recognized by the Doha Declaration in order to be able to provide essential medicines at affordable prices under their domestic public health programmes;
- adopt a Joint Policy Statement with Parliament to the effect that the Member States remain free to use all exceptions from the TRIPS Agreement under their domestic patent laws to authorise production and export "to address public health needs in importing Members" and asks the Council to ensure that the Commission refrains from taking action to interfere with these proceedings;
- meet its commitments to the Doha Declaration and to restrict the Commission's mandate so as to prevent it from negotiating pharmaceutical-related TRIPS-plus provisions affecting public health and access to medicines, such as data exclusivity, patent extensions and limitation of grounds of compulsory licences, within the framework of the EPA negotiations with the ACP countries and other future bilateral and regional agreements with developing countries;

The Commission is invited to:

- grant funding for research and development on poverty-related, tropical and neglected diseases across a broad spectrum of locations, including Public-Private Partnerships and other possible funding ventures, and to support research institutes willing to cooperate with public health initiatives dedicated to these efforts;
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support "pool procurement strategies" and other strategies which could be used by countries or groups of countries to provide greater buying power and economies of scale in the production of generic medicines at affordable prices and stimulate direct investment in local production facilities within a region;

- support disclosure by patent applicants of the source and origin of inventions deriving from biological resources and associated traditional knowledge found in developing countries with a view to promoting the equitable sharing of the benefits and technology derived from those resources by supplying countries.

Pharmaceutical companies are encouraged to pursue pricing alternatives involving a high-volume, low-margin approach, which could enhance access to medicines.

Lastly, the Par1iament calls on LDCs and other poor countries to take the necessary measures to prevent medicines covered by compulsory licensing from leaving the country and ensuring that the medicines go to the local population in need.