

# **Intellectual property: agreement on trade-related aspects of rights TRIPS, done at Geneva on 6 December 2005, amending protocol by the WTO**

2006/0060(AVC) - 22/10/2007

The Committee on International Trade adopted the recommendation drafted by Gianluca **SUSTA** (ALDE, IT) requesting Parliament's assent on the proposal for a Council decision on the acceptance, on behalf of the European Community, of the Protocol the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which aims to facilitate access to affordable medicines for populations in developing countries in their efforts to control diseases of public health importance, including HIV, tuberculosis and malaria. The report was adopted by 24 votes for, none against and 3 abstentions.

MEPs were awaiting Council undertakings on when developing countries may use the flexibility provided for under the TRIPS agreement to produce or import generic substitutes for patented medicines.

In its resolution of 12 July 2007 (see [RSP/2007/2595](#)), the European Parliament called on the Council to 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". Parliament also urged the Council to restrict the Commission's negotiating mandate to ensure that it does not negotiate pharmaceutical-related "TRIPS-plus" provisions affecting public health and access to medicines in Economic Partnership Agreements with the African, Caribbean and Pacific states and other future and regional agreements with developing countries.

In the absence of a response from the Portuguese Presidency to the European Parliament's requests, MEPs postponed the vote on the assent procedure on three occasions.

The Portuguese Presidency sent a draft declaration to MEPs stating that the European Parliament's requests in particular regarding technological transfer and research were being taken into account. The Presidency should make a statement in Plenary highlighting the additional measures to be taken to improve access to medicine.

The Council has also decided not to include "TRIPS-plus" provisions in the Economic Partnership Agreements with the ACP states and other future and regional agreements with developing countries.