

Commissioner for Trade Cecilia Malmström  
Directorate-General for Trade  
European Commission  
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11/04/2018

**Subject: Urgent call to protect public health and access to affordable medicines under the EU India Free Trade Agreement**

The undersigned Members of the European Parliament (EP) would like to express their concerns on the developments in the negotiations on an EU-India Free Trade Agreement (FTA) and its impacts on access to medicines.

The open letter sent to you by Els Torrele, Executive Director of Médecins Sans Frontières (dated 10 April 2018)<sup>1</sup> drew our attention to a proposal from the European Commission (EC) to push for intellectual property (IP) provisions in the FTA that go far beyond what is required by the World Trade organization (WTO).

Already for many years organisations such as Medicines Sans Frontiers (MSF) have expressed their concerns about the grave effects on the sustainable supply of, and access to affordable generic medicines.

We fear that overreaching IPR regulations will restrict people from accessing lifesaving medicines they require.

With this proposal the European Commission fails on its commitment to respect human rights and access to affordable healthcare and medicines.

Furthermore, the EC goes against the European Parliament's resolution of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment which calls on the EC to

“support all developing countries in making full and effective use of the flexibilities built into the TRIPS Agreement, recognised and affirmed by the Doha Declaration on the TRIPS agreement and Public Health adopted on 14 November 2001, with a view to ensuring that they are able to provide access to affordable essential medicines under their domestic public health programmes.”<sup>2</sup>

Lastly, the EC surpasses its own promises to keep the negotiations in the spirit of already existing international obligations to protect access to medicines in future trade negotiations.

We request that you take these concerns into account in all of the EU-India trade negotiations, and refrain from demanding provisions on IPR and IPR enforcement that lead to

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<sup>1</sup> <https://www.msfaaccess.org/content/enforcement-provisions-eu-india-fta-implications-access-medicines>

<sup>2</sup> European Parliament resolution of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment (2015/2105(INI))

extended exclusivity periods for pharmaceuticals, such as the highly problematic and contentious control of IP protected goods in transit.

It is of the highest importance that the EU-India FTA remains free of measures that go beyond TRIPS and enforcement provisions that undermine the access to generic medicines for the citizens of India and the world population.

Sincerely,

Anne-Marie Mineur (GUE/NGL)

Lola Sanchez Caldentey (GUE/NGL)

Jude Kirton Darling (S&D)

Stelios Kolouglou (GUE/NGL)

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