

**Statement from Stichting Health Action International (HAI) on Agenda Item 11.20
Counterfeits and Medical Products**

Submitted Wednesday, 19 May 2010

Chair, Dr. Chan, Distinguished delegates,

We thank you for this opportunity to speak today on behalf of Health Action International Global representing the concerns our regions, HAI Africa, Asia-Pacific, Europe and Latin America.

Part of Health Action International's work is to improve access to medical products of assured quality, safety and efficacy and we believe that this goal can only be achieved through public health-driven initiatives. We are, therefore, concerned by the WHO's continued involvement in issues relating to intellectual property enforcement, and in particular, the IMPACT initiative.

IMPACT is part of a global IP enforcement agenda that can be seen across national and international levels. The Anti-Counterfeiting Trade Agreement and the recent trend for Anti-Counterfeiting legislation in East African countries, are examples of such an agenda. Despite many efforts to convince us otherwise, strengthening the rights of intellectual property rights holders is not the magic solution for much broader problems of medical products with compromised quality, safety, and efficacy.

Not only is the IP enforcement agenda ineffective in terms of addressing the wider public health threats from spurious and sub-standard medical products, but it has also been shown to impede access to medicines, by undermining competition from generic medicines.

As an organisation committed to promoting high standards of public health, the WHO should avoid association with initiatives that pose a threat to generic competition, divert resources away from quality control and regulation, and ultimately pose a threat to public health. Given reservations about the transparency, legitimacy and conflict of interest with regard to IMPACT that have been highlighted by member states, WHO's engagement in this initiative compromises its independence and its capacity ensure access to quality and efficacious medical products.

We urge WHO to disassociate itself from initiatives, such as IMPACT, that cause it to deviate from its long history of prioritising public health over trade and IP. Access to Medicines and the Quality, Safety and Efficacy of those medicines must be the foundations on which all actions are built.

Thank you.