

# Empty Gestures - The EU's Commitments to Safeguard Access to Medicines

Review of the European Union's Trade and Investment Policy, 2015

## Introduction

Health Action International (HAI) and Médecines Sans Frontières (MSF) welcome the revision of the European Union's (EU) trade and investment policy. This is an excellent opportunity for the European Commission (Commission), European Parliament and EU Member States to develop a comprehensive access to medicines policy that is consistent across all relevant policy areas.

The revision should ensure that future trade and investment agreements reinforce public health in developing countries. The starting point of the new trade and investment strategy should therefore be the treaty-bound obligation of the EU to ensure policy coherence for development of all EU policies.

In its recent strategy on intellectual property (IP) enforcement in third countries, the Commission went beyond discussing IP enforcement issues, and also outlined the cornerstones in its approach to access to medicines and EU trade. HAI and MSF commend

the Commission for explicitly recognising the need to address access to affordable, safe and effective medicines. However, looking at the Commission's current access to medicines commitments in more detail, these have proven to be empty words and gestures, contradicted and undermined by a long history of including substantive damaging TRIPS-plus provisions in EU free trade agreements, and other damaging EU trade policies.

This report identifies the contradiction between the Commission's stated commitments to ensure access to medicines and the EU's trade policy. It also provides a series of recommendations that would enable the Commission and EU to achieve its access to medicines commitments and broader development and public health objectives.

Commissioner Malmström's trade policy review is a welcome opportunity to identify and adopt the necessary corrective measures to ensure that the EU's trade policy supports, instead of undermines, access to medicines.

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