



Health Action International (HAI) is an independent, global network, working to increase access to essential medicines and improve their rational use through research excellence and evidence-based advocacy.

HAI Europe Statement

Protect legitimate trade in essential medicines

11 August 2009- As the dispute continues over the seizures of legitimate generic medicines in transit (see recent articles in [Wall Street Journal](#), [Financial Times](#), [PharmaTimes](#), and [SCRIP World Pharmaceutical News](#)), Health Action International continues to call for the European Union to revisit EU regulation 1383/2003, which has perpetuated the dangerous confusion between counterfeit pharmaceutical products and legitimate generic medicines.

We ask again that the principles of the Doha Declaration on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement and Public Health are respected by all EU Member States and that the actions by customs authorities and multinational pharmaceutical companies do not “become barriers to legitimate trade” (as stated in the preamble to the World Trade Organization’s TRIPS Agreement).

News that India is considering reimbursing additional freight costs borne by Indian manufacturers when using alternative trade routes that avoid EU ports ([SCRIP World Pharmaceutical News](#)) confirms earlier fears that the spate of seizures would have financial consequences. Ensuring access to affordable essential medicines must be the primary goal of further international action.

So far, the response from the EU has been disheartening and, rather than amending the controversial regulation, the EU seems to be exporting it to other platforms such as, free trade agreements and the proposed Anti-Counterfeiting Trade Agreement (ACTA).

Intellectual property discourses should not be used to distort or corrupt the free movement of legitimate medicines in transit. HAI will continue to work to ensure that access to essential medicines is not impaired as a result of overreaching provisions on intellectual property rights.

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