



Seizure of UNITAID/Clinton Foundation anti-retroviral medicines by Dutch customs authorities ‘unacceptable’

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Call on the EU to allow life-saving generic medicines to reach world’s poorest

Oxfam International, Health Action International and Knowledge Ecology International condemn the unacceptable seizure of legitimate generic antiretroviral medicines in transit from India to Nigeria by Dutch customs officials, and call on the European Commission to immediately review and modify its regulations (Council Regulation (EC) No 1383/2003 of 22 July 2003) to allow lawful trade of generic medicines.

Sophie Bloemen from HAI said: “The Dutch government has erroneously identified these Indian-manufactured generic medicines passing through their port as counterfeit. This is a grave situation. If the shipment is not allowed to pass, HIV positive Nigerians will miss out on critical treatment. We’re concerned about what appears to be confusion between counterfeit medicines that kill people and generic medicines that save lives.”

The seizure is the latest episode in a series of abuses of EU regulations, which enable customs authorities to seize medicines in-transit suspected of infringing certain intellectual property rights. In February this year, Dutch authorities seized a shipment of a cardiovascular medicine destined for Brazil and this last year there have been at least 14 other documented cases. These seizures are particularly threatening the health care systems of developing countries that rely on generic medicines to legally provide affordable health care to poor people.

Sophie Bloemen added: “In order to avoid more wrongful seizures of legal generic medicines in transit through Europe, the European Commission must immediately review and modify its regulation. Indeed it must modify the way it applies IP enforcement globally, because it is even demanding exactly the same provisions of IP enforcement in developing countries through free trade agreements. This could prove to be disastrous for access to medicines in their regions.”

Rohit Malpani from Oxfam International commented: “The seizure reflects a nonsensical encroachment by the European Commission’s on the WTO’s Doha Declaration on TRIPS and Public Health, which ensures that intellectual property rules should not interfere with the ability of developing countries to protect and promote public health.”

“This situation cannot be allowed to continue. It is time that the WTO and WHO gave strong and clear leadership to ensure that lawful trade in generic medicines is not blocked” Malpani continued.

KEI spokesperson Judit Rius Sanjuan commented: “The seizure of generic drugs in transit to developing countries is unacceptable and the Dutch government and the EU must change their

approach to current EU regulations. We suggest that they invite Pascal Lamy, WTO Director General, to mediate in this dispute so the governments and organizations involved can find a solution that respects the commitment included in the 2001 WTO Doha Declaration on the TRIPS Agreement and Public Health and the 2008 WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property.”

“The EC has committed to support universal access to prevention, treatment and care of HIV and AIDS by 2010. It must deliver on these commitments by ensuring that all life-saving generic medicines can pass through Europe onto their final destination,” said Rohit Malpani.

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