



# Action against AIDS Germany

Life is a human right  
www.aids-kampagne.de

Mr. Karel de Gucht  
European Commissioner for Trade

European Commission - Directorate General for Trade  
Rue de la Loi, 200  
1000 Brussels  
Belgium

Berlin, 3.4.2013

## Open letter to European Trade Commissioner Karel de Gucht - EU-India FreeTrade Agreement: Don't trade lives away!

Dear Commissioner de Gucht

Action against AIDS Germany - a network of 360 organizations - is very concerned that the Free Trade Agreement (FTA), which is currently being negotiated between India and the European Union (EU), will have severe repercussions on access to affordable medicines in India and other poor countries that rely on generic medicines from India.

As far as we know, EU negotiators are pushing for two crucial aspects to be incorporated in the agreement: measures on investment, which would allow multinational companies to sue the Indian government, and intellectual property (IP) enforcement measures, such as third party liability regimes and unreasonable border measures.

Such provisions are so-called TRIPS-plus provisions, as they go beyond the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO). They can be harmful to the trade with legal generic medicines and impede the use of domestic measures to secure fundamental public health interests, as provided for by TRIPS itself.

It is only due to the availability of affordable generics that today more than 8 million people living with HIV are receiving life-saving antiretroviral medicines. However, in the future due to the development of resistance, treatment-experienced patients will need newer and more effective medicines. These are mostly patented and thus will be unaffordable to most people who need them, as only very few or even no generic formulations of such medicines exist.

But even today, more than 7 million people have no access to HIV-medicines at all. India plays a key role in providing vital medicines to people in poor countries: Hitherto, 80% of respective HIV-medicines are Indian generics.

We appeal to you, dear Commissioner de Gucht, do not allow that the above named provisions will be incorporated in the EU-India FTA. There is no human right to the realization of commercial interests, but there is a universal right to health!

Yours respectfully,

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Action against AIDS Germany

Joachim Ruppel  
Speaker - Catholic pillar  
Action against AIDS Germany

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