

Will India-EU deal make drugs dearer?

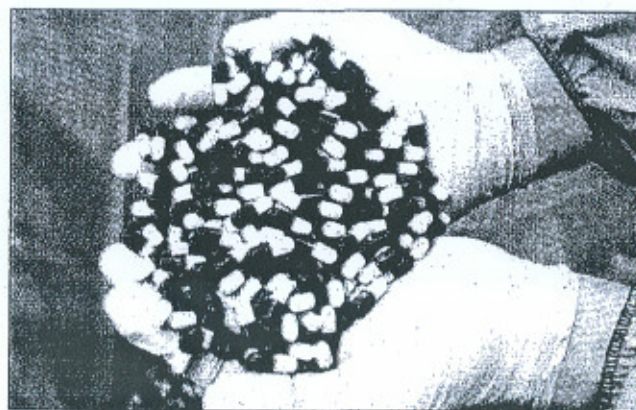
Civil Society Groups Express Concern Over Impact Of Free Trade Agreement

Rema Nagarajan 36
TIMES INSIGHT GROUP 71

Is the Indian government bargaining away the rights of millions across the world to essential drugs supplied by India, hailed as the pharmacy of the developing world, in the name of free trade with the European Union (EU)? That's a fear being expressed by civil society groups in the developing world.

Commerce minister Anand Sharma vehemently denies such a possibility, claiming that the free trade agreement (FTA) under negotiation with the EU will not harm India's flourishing pharmaceuticals industry, but voices from within the European Parliament belie his assertions.

A letter, dated April 22, from the recently established working group in the European Parliament on Innovation, Access to Medicines and Poverty-Related Diseases to the European commissioner for international trade, expressed concern that the EU-India FTA may



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contain provisions – such as data exclusivity, patent term extensions and enforcement of IP rights and border measures – that reverse the advances made on access to medicines, which could have dire consequences for patients in India and in the rest of the developing world.

The group expressed regret at the way the FTA being negotiated was against the EU's avowed commitment to placing public health protection over commercial interests. The letter urged the commis-

sioner to ensure that the negotiations on behalf of the EU did not contain clauses that went beyond the requirements of the trade-related intellectual property rights (TRIPS) agreement under the WTO.

This letter has come close on the heel of representations from several civil society groups from developing countries across Africa, Asia and South America, including Brazil and Thailand, dependent on India for their supply of affordable high quality generic drugs, including crucial

HIV/AIDS drugs.

These countries have expressed the fear that Europe is pushing India to impose greater intellectual property protection on medicines, measures which would delay the registration and marketing of generic medicines, and would extend the duration of a patent, blocking competition and keeping the price of medicines out of the reach of patients. None of this is required under WTO or the TRIPS agreement. India began granting patents on medicines from 2005 in keeping with the agreement, but the government was careful to include measures to limit abusive patenting and protect public health.

The working group on intellectual property of the Brazilian Network for the Integration of People further points out that Indian generic versions play an important role in price negotiations in the world and are also key to promoting price competition and broader access to treatment in developing countries.

Despite these negotiations having such far-reaching con-

sequences, there have been no consultations with civil society and other stakeholders like farmers and patients. Trade negotiations between the EU and India have been going on since 2007 and both sides hope to conclude the agreement by October this year. A meeting for this purpose will be held in Brussels next week. For over two years, civil society groups have been protesting the hush-hush manner in which the rights of millions to essential drugs is being bargained away without even the draft document being available to the public.

The Delhi Network of Positive People, a support group of people living with HIV/AIDS, has accused the government of keeping even Parliament in the dark about the negotiations and its implications, which could undermine the public health safeguards Parliament built into the Indian patent law. Public health groups across the world have expressed the hope that India would demonstrate its commitment to patients over profit starting with opening up the negotiations to public scrutiny.

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Put this out & also note for future such meetings. K