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Access to Treatment in Poor countries The True Face of Pascal Lamy

Pascal Lamy, the European trade representative, who presented himself as the spearhead of the fight for access to medicines¹, is finally returning to the bosom of Big Pharma as shown by the proposals of the European Commission in the negotiations at the TRIPS Council.

Last November at Doha the Member States of the WTO instructed the TRIPS Council to find a solution before the end of 2002 making it possible for generic producing countries to export generics to countries which aren't producing themselves.

Now the proposals of the European Commission, which play down the importance of universally recognized public health needs, run counter to the spirit of the Doha declaration on "TRIPS and Public Health", and restrict the export of generics by all possible means:

1) through discrimination :

For the European Commission, countries wishing to use generics would have to prove they are sufficiently poor, weak or incapable of producing generics on their own, that their needs are genuine or that the illness they are combating is sufficiently serious (cf www.actupp.org/article510.html -- in French only).

According to Gaëlle Krikorian of Act Up-Paris : « not only is the procedure obscene, but the Commission simply denies the sovereignty of such countries and the fundamental rights of their people. It denies the fact that sick people in poor countries who suffer from illnesses or symptoms that are not deadly, but severely debilitating, such as arthritis, chronic depression or polio, have the same rights as people in rich countries to have access to health care or live without pain. »

2) through constraint :

The European Commission is trying to impose on producing as well as importing countries a whole array of restrictions and safeguards the only purpose of which is to limit the very production of generics.

For Act Up-Paris, « such measures are absurd as well as unethical. It is up to rich countries, which already have the means at their disposal to regulate and control imports, to make sure they monitor imports at their own borders. »

Besides, by requiring from countries wishing to import generics that they give innumerable guarantees and justify the legitimacy of their policy in many different ways, the European Commission makes them the easy targets for the very same pressures and threats that have prevented them so far from issuing compulsory licences and obtaining generics.

Thereby it serves only one interest, that of the pharmaceutical lobby, which dreads the coming of pharmaceutical products onto the markets of rich countries.

Pascal Lamy claims « he has been fighting for two years to make the international community aware of the necessity of a drastic cut in the price of medicine to combat the major epidemics of the South »² **But the battle is not over for the sick and their right to benefit from the export of generics is at stake.**

Pascal Lamy asserts « it is possible to modify the broad lines of globalization in a way that serves the interests of communities. »³ **However, by putting forward the question of differential pricing- which is nothing but an agreement with brand-name companies- he only serves the interests of pharmaceutical companies and dismisses the fundamental question of the export of generics.**

Europe and the WTO are expected, on the contrary, to allow countries wishing to use generics to do so as easily as if they were able to produce them on their own.

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¹ See his book ; P. Lamy, *Le vicair du diable*, Chap. 5 : « Ce n'est pas notre affaire : sida et labos », Paris, 2002.

² From Cotonou to Doha. Meeting of the Trade Ministers of Pacific, Caribbeans and Africa, Bruxelles, November 5, 2001.

³ See his book ; P. Lamy, *Le vicair du diable*, Chap. 5 : « Ce n'est pas notre affaire : sida et labos », Paris, 2002.