



## PHARMACEUTICALS EXPORT PROMOTION COUNCIL

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### **Indian concern about proposed India-EU FTA clause on data exclusivity spreads to Europe**

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<http://www.pharmabiz.com/article/detnews.asp?articleid=54096&sectionid=>

Backing up the objections constantly raised by the advocacy groups in India, a prominent member of the European Parliament has raised concerns about the proposed Free Trade Agreement between India and European Union, claiming that it would adversely affect the Indian generic industry and thereby the access of affordable medicines for the poor.

The resentment comes even as India and Europe are pushing aggressively for the FTA which is under negotiation. The trade pact is likely to be signed by the end of this year during the India-EU summit of 2010. After initiating the process in 2007, eight rounds of talks have been completed between the two sides and the authorities have claimed considerable progress on several issues.

Joining the issue with the India public interest groups, David Martin, a Scottish Labour Party member in the European Parliament since 1984, expressed concern about the planned free trade agreement which will have far-reaching provisions on intellectual property including data exclusivity clauses.

India is a leading exporter of low-priced generic medicines to other developing countries and such provisions could have repercussions far beyond the country, according to Martin. "This is not just bad news for India," he said. "It is bad news for those countries to which generic medicines from India are provided."

Many public interest groups like Médecins Sans Frontières have been raising similar concerns for sometime now. A paper brought out by Delhi-based CENTAD last year had cited in detail the harmful provisions of the FTA while many other groups in the arena also joined the campaign against the pact.

"EU is also pushing for certain provisions that will hamper access to medicines for Indians. European Federation of Pharmaceutical Industries and Associations, the lobby of pharma and agrochemical industries, has pushed for data exclusivity provisions that would require TRIPS Plus policies to be adopted by India," it said.

"The EU is also likely to include a clause that supports the right of the FTA parties to protect public health. However, a data exclusivity clause would severely curtail that right. Reports show that litigation by major pharmaceutical companies such as Novartis post the 2005 Act is already on the rise with such companies filing for patents on spurious grounds. Indian public health advocacy groups are opposing such patents in the interest of cancer and HIV/AIDS patients," the paper said.