



PRESS RELEASE

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Amendment to WTO TRIPS Agreement Makes Access to Affordable Medicines Even More Bleak: MSF Concerned that Patients the World over Will Have to Pay the Price

Geneva, Tuesday December 6, 2005 — Doctors Without Borders/Médecins Sans Frontières (MSF) today expressed alarm at the decision of the World Trade Organization (WTO) to amend the TRIPS Agreement based on a mechanism that has failed to prove it can increase access to medicines. The so-called 'August 30th decision,' which was designed in 2003 to allow production and export of generic medicines, has long been viewed by MSF and public health groups as overly cumbersome and inefficient. Yet to date there is no experience using the mechanism — not one patient has benefited from its use — despite the fact that newer medicines, such as second-line AIDS drugs, are priced out of reach of poor patients. MSF is already being confronted with steep price increases in our projects today — we pay five to 30 times more for second-line AIDS medicines to treat patients that need newer drugs. Delaying the amendment would have been a far better option, as it would have ensured the possibility of testing and improving the mechanism in practice.

This decision shows that the WTO is ignoring the day-to-day reality of drug production and procurement. The amendment has made permanent a burdensome drug-by-drug, country-by-country decision-making process, which does not take into account the fact that economies of scale are needed to attract interest from manufacturers of medicines. Without the pull of a viable market for generic pharmaceutical products, manufacturers are not likely to want to take part in the production-for-export system on a large scale. And without competition among several manufacturers, MSF fears it will be extremely difficult to ensure that prices of newer medicines will fall the way first-generation AIDS medicines did.

To illustrate the hurdles the newly amended system creates, a country wishing to import a generic version of a patented medicine would first have to notify the WTO of its exact needs regarding the patented medicine, and of its intent to issue a compulsory license in order to import it. Only after that could another country also issue a compulsory license to authorize the generic manufacture of the medicine for export. But the compulsory license issued by the first country would only be for the declared needs of one other country. The amendment does not allow for the procurement of medicines through international tendering, which is the most common and efficient way of purchasing drugs.

MSF therefore calls on the WTO to provide evidence by the end of next year demonstrating that the mechanism it is putting in place can bring an end to the negative effects that full TRIPS implementation has on access to medicines.

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