

## **MSF asks EU to confirm it will not push India to accept 'data exclusivity'**

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Deeply concerned over the new measures Europe is pushing to restrict the production of affordable generic medicines in India, Médecins Sans Frontières (MSF) has asked the EU to confirm that it will no longer push for India to accept 'data exclusivity.' The Indian Commerce Minister has recently stated that data exclusivity would delay cheaper generic drugs reaching the market.

MSF's demand in this regard comes in the wake of the talks on free trade agreement between Europe and India that has resumed in Brussels.

“While India has clearly highlighted the harmful outcomes of data exclusivity, the EU continues to push India to accept it. It’s time for the EU to make official that it will stop hounding India to agree to a policy that would block generic drugs from being produced, even if a drug is not patented,” MSF said.

“Europe is now trying to negotiate a fast-track way for companies to challenge health policies and laws in India that support access to medicines,” said Dr Tido von Schoen-Angerer, director of MSF’s Campaign for Access to Essential Medicines. “As a medical organisation that relies on India for the vast majority of medicines we use, we are asking European governments to stop this relentless attack on people’s access to the affordable medicines they need to stay alive.”

The EU wants to push for greater intellectual property protection as a part of the ‘investment chapter’ in the trade deal. These would allow European companies to sue the Indian government if they feel their profit, or ‘investment,’ in the country is under threat through the country’s law or policies. A pharmaceutical company could therefore sue the Indian government if it decided to override a medicine patent, control the prices of a patented medicine or take any other action designed to boost access to more affordable generic versions of a medicine. These legal proceedings take place in secret by private arbitration, bypassing the national courts, and usually involve millions of dollars in damages, it cautioned.

Other clauses harmful to access to medicines, such as stronger enforcement of intellectual property, also remain in the free trade agreement, and MSF is seeking further clarification from the EU on its position on these provisions.