



## JOINT STATEMENT

26 March 2012

**Health Action International (HAI) Europe, Oxfam, Médecins Sans Frontières (MSF) and the Trans Atlantic Consumer Dialogue (TACD) call on EU parliamentarians to condemn ACTA independently of the ECJ referral.**

On February 22, the European Commission announced its intent to ask the European Court of Justice (ECJ) for an opinion on the conformity of the Anti-Counterfeiting Trade Agreement with fundamental freedoms. Having denied the need for any legal or impact assessment before, the Commission has resorted to this referral in an attempt to deflect growing protests and avoid ACTA being definitively rejected by national governments and the European Parliament. The ECJ referral will only assess ACTA's compatibility with EU Treaty law and not with obligations under international agreements in relation to access to medicines. This limited legal assessment under the ECJ referral does not assess fundamental political questions ACTA raises for its lack of accountability and transparency, the bypassing of multilateral forums, and its impact on access to medicines. These concerns remain, whatever the outcome of the ECJ test, and policy makers should act on these concerns.

HAI Europe, Oxfam, MSF and TACD urge members of the European Parliament to adhere to its current timetable and vote on ACTA instead of accepting the European Commission's manoeuvres to postpone the final vote.

ACTA was negotiated through an undemocratic and secretive process to establish a new global norm which will have direct impacts upon developing countries that did not participate in negotiations. It does not properly distinguish between different types of intellectual property rights, widens the enforcement net to hold liable third parties such as purchasers of generic medicines, endorses excessive punishment, and increases the likelihood that legal authorities will carry out wrongful searches, seizures and legal actions against legitimate suppliers of generic medicines. Since ACTA does not properly limit strong enforcement measures to counterfeits, ACTA enables multinational drug companies to ask customs officers to seize legitimate and safe generic medicines on the false grounds that they are counterfeit goods. ACTA contributes to a damaging confusion between crucial legitimate generics and counterfeit medicines, which is harmful for public health. Today, more than ever, access to quality, safe, and affordable medicines remains a critical priority for low and middle-income countries across the developing world.

The negative impact ACTA would have on public health, has now been flagged innumerable times by NGOs, the European Parliament, the Special Rapporteur for the Right to Health, and others. Political and development grounds to reject ACTA for its impact on access to medicines remain unaltered and will not be affected by any ECJ ruling. We therefore call upon each member of the European Parliament to carefully consider the potential impact of ACTA on public health, and urge them to take their responsibility and reject ACTA's ratification. Waiting for the ECJ referral's outcome will not solve ACTA's political problems.

**For more information see our policy papers:**

**HAI Europe:** <http://haieurope.org/wp-content/uploads/2012/02/27-Feb-2012-HAI-Europe-Policy-Brief-ACTA-and-Access-to-Medicines.pdf>

**Oxfam:** [http://www.oxfamsol.be/fr/IMG/pdf/Oxfam\\_ACTA\\_analysis\\_FINAL.pdf](http://www.oxfamsol.be/fr/IMG/pdf/Oxfam_ACTA_analysis_FINAL.pdf)

**MSF:** <http://www.msfacecess.org/content/acta-and-its-impact-access-medicines>