

# EUROPEAN PARLIAMENT

2004



2009

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26.2.2007

0022/2007

## WRITTEN DECLARATION

pursuant to Rule 116 of the Rules of Procedure

by Pierre Schapira, Kader Arif, Johan Van Hecke, Luisa Morgantini and  
Caroline Lucas

on the Novartis trial against the Indian Government

Lapse date: 29.5.2007

**0022/2007**

**Written declaration on the Novartis trial against the Indian Government**

The European Parliament,

- having regard to Rule 116 of its Rules of Procedure,
  - having regard to Article 27 of the TRIPS Agreement laying down a general framework for the protection of intellectual property which each country can adapt to its situation through safeguard clauses,
  - having regard to the Doha Declaration of 14 November 2001, which authorises states to take measures to protect public health,
  - having regard to paragraph 51 of its resolution of September 2005 on relations between the EU and India, which calls for support to be given to India in producing generic medicines,
- A. whereas India is the world's leading supplier of generic drugs to which patients in developing countries can have access,
- B. whereas Indian law contains a key public health safeguard, in that only new or genuinely innovative medicines are patentable, and whereas Novartis is challenging the validity thereof,
- C. whereas, if Novartis wins its trial, this legislation will be amended and many essential medicines will be patented and will thus become unaffordable for the patients concerned,
1. Calls on Novartis, as the German Development Minister has already done, to withdraw its complaint in order to guarantee continued access to affordable generic medicines for all;
  2. Calls on the Commission and the Council to take a similar stance on the issue;
  3. Instructs its President to forward this declaration, together with the names of the signatories, to the Council, the Commission and the parliaments of the Member States.