

TACD

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Ambassador Robert Zoellick
United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508
United States of America

Pascal Lamy
Commissioner for Trade
European Commission
Rue de la Loi 200
B-1049 Brussels, Belgium

17 December 2002

Dear Commissioner Lamy and Ambassador Zoellick,

Having done a lot of work on WTO rules on access to medicines, and in the context of the negotiations to find a solution on Paragraph 6 of the Doha Declaration, the TACD Steering Committee wishes to share with you our views on the issues under debate.

We note that some parties would limit the solution to a limited number of infectious epidemics, excluding cancer, asthma, diabetes, heart disease, and thousands of other diseases. Such a limitation cannot be reconciled with common sense, nor the plain language of the Doha Declaration, which supports a “WTO Members' right to protect public health and promote access to medicines for all.”

We are appalled that there have been efforts to exclude vaccines and medical devices from the solution to paragraph 6. There are no public health rationales for this.

We oppose efforts to exclude any countries as importers or exporters of public health products. The “solution” to paragraph 6 should be broader than the limited number of cases where a country lacks manufacturing capacity. Economies of scale are also important. The task for negotiators is to ensure that compulsory licensing is as practical for a country with a small domestic market as it is for countries with large domestic markets. We note also that purchases of generic AIDS drugs in Brazil, a middle-income country, were instrumental in creating the economies of scale that allowed generic producers to offer low prices for Africa.

Finally, we object to a protectionist system. The “solution” should not prohibit developing countries from supplying medicines to rich countries in cases where the rich countries issue a compulsory license to address an abuse of patent rights.

Sincerely,

Ben Wallis, TACD Coordinator
on behalf of the Steering Committee