GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:4002
ANSWERED ON:22.08.2003
PUBLIC HEALTH PROGRAMME
A. VENKATESH NAIK

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the pharma industry of developed countries pressurising the WTO not to allow India and Brazil to use excess capacities to supply patented drugs to third world countries to tackle public health problems;

(b) if so, the reaction of the Union Government thereto; and

(c) the strategy adopted by the Union Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI S.B. MOOKHERJEE)

(a) to (c): Paragraph 6 of Doha Ministerial Declaration on the TRIPS Agreement and Public Health adopted on 14 November 2001 recognizes the problems faced by WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector in making effective use of compulsory licensing under the TRIPS Agreement and mandates the TRIPS Council to find an expeditious solution by the end of 2002. Towards this solution, the Chairman of the TRIPS Council proposed a Draft Waiver Decision on 16 December 2002 but consensus could not be achieved as the United States proposed restricting the coverage of diseases under this Draft Waiver Decision. This was not agreed to. Since then, the US has not been insisting upon restricting the coverage of diseases but evidently wishes the TRIPS Council to adopt some checks to prevent diversion of drugs produced. The US has also suggested the establishment of a body of eminent persons to be nominated by the Director General of WTO, which would review claims of a country that it does not have manufacturing capacity for a particular patented product. India has conveyed that anything that is beyond the scope of the 16 December 2002 Draft would not be acceptable. Efforts are continuing to be made by the Chairman of the TRIPS Council to forge a consensus on this issue.