

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:2919
ANSWERED ON:15.03.2010
SEIZURE OF DRUGS
Gowda Shri D.B. Chandre

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

- (a) whether large number of drug consignments on way to Asian, African and Latin American countries have been seized by the customs officials of the European Union (EU) while in transit in the Netherlands, France, Germany and United Kingdom;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Government has taken up this issue with the European Union (EU) or the World Trade Organisation (WTO);
- (d) if so, the details thereof; and
- (e) the corrective steps being taken or proposed to be taken in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA M. SCINDIA)

(a) & (b): Some consignments of Indian generic drugs exported from India to countries in Latin America and Africa have been detained/seized by Custom authorities of European Commission, particularly of the Government of Netherlands, on the grounds that these pharmaceutical products were patented in Europe and therefore infringed the rights of the patent holders in Europe. The matter has been taken up at diplomatic level with EC Trade Commissioner through Embassy of India, Brussels, clearly bringing out that since there was no patent protection available to the products in India or in the destination countries and these were not being diverted to the European markets, there was no patent violation. Thus the action of European Commission was violative of the international legislation both General Agreement on Trade and Tariff (GATT) and Trade Related Intellectual Property Rights (TRIPS) which allow freedom of transit for products.

(c) to (e): Government has decided to seek consultation with the European Union under the Disputes Settlement Understanding of the WTO.