



Another seizure of generic medicines destined for a developing country, this time in Frankfurt.

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Call on the EU to allow life-saving generic medicines to reach world's poor

A shipment of the antibiotic, Amoxicillin, manufactured in India and destined for the Republic of Vanuatu in the Pacific, was seized by customs officials on 5 May, 2009, while in transit through Frankfurt, Germany. Amoxicillin is an essential medicine used to treat a wide range of bacterial infections

Health Action International (HAI), Oxfam International, BUKO-pharma, Medico International and Third World Network urge the German customs to provide full and transparent information about this seizure and call on the European Commission to take immediate steps to ensure that its regulations and laws do not deny developing countries timely access to essential medicines.

In this latest case, customs authorities seized a shipment of 3,047,000 pills of Amoxicillin (250 mg), worth approximately 28,000 Euros for four weeks before releasing it to Vanuatu. The batch was detained on grounds of suspected trademark infringement. This quantity of tablets is equivalent to 76,000 courses of treatment. Customs authorities then informed GlaxoSmithKline (GSK), which received the letter on 13 May. Seven days later, GSK informed the German customs authorities that there was no trademark infringement. GSK is the former patent holder for "Amoxil", a brand name amoxicillin.

There is no valid reason for detaining these medicines especially since the name "Amoxicillin" is an international non-proprietary name (INN)

This seizure is the latest in a long list of cases that demonstrate that EU regulations are actively hampering timely access to medicines to developing countries. In 2008 there were 17 similar cases of seizures of medicines in the Netherlands, often leading to the impoundment of medicines for many weeks and even months. These seizures have been driven by an EU Regulation on Border Measures that has empowered customs officials and rights holders to interfere in the legitimate trade of generic medicines. Due to actions of overzealous customs authorities, mainly intended to protect the private rights and profits of right holders, developing countries are being denied timely access to medicines.

It is now clear that rather than just being a problem of implementing a law in the Netherlands, EC regulation 1383/2003 is in itself problematic. Sune Sveningsen, Supply Chain Director of Missionpharma, the agency responsible for the shipment said today: "These random seizures seriously impact our ability to service the healthcare needs of people living in developing countries in a timely manner, forcing us to consider re-designing our entire supply chain to avoid any transit through European territories."

Sophie Bloemen from HAI Europe commented, "this suggests that the detainment of legitimate generics in transit is not just a Dutch issue, but rather a European problem that should be solved at a European level."

And according to David Hachfeld at Oxfam Germany, "We hope this seizure of legitimate medicines will act as a wake-up call to the German government to examine this growing problem and to take the necessary steps, both in Germany and at the European level, to ensure that generic medicines needed in poor countries are not increasingly detained and delayed across the European Union while people fall ill in poor countries."

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