



Monitoring Article of IGJ / 2018

Access to Medicine Issues In The People's Forum Brussels

Indonesian and European Civil Society Groups held the People's Forum in Brussels, Belgium, on 9-13 July 2018 in order to respond and intervene in the ongoing 5th INDONESIAN-EU Comprehensive Economic Partnership Agreement (CEPA) negotiations.

Some Indonesian civil society organizations present in the People's Forum are Indonesia for Global Justice (IGJ), People's Coalition for Fisheries Justice (KIARA), Confederation of Indonesian People's Struggle (KPRI), and KSBSI. Some of the agenda and intervention activities of Indonesian and European civil society groups such as People's Forum, Meeting with Indonesian Negotiator, and EU Commission. Some important issues are raised such as Investment, intellectual property and access to cheap medicines, and sustainable development specifically in the sectors of Palm, Fisheries, and labor.

On the issue of access to cheap medicines, CSOs Criticize TRIPS-Plus rules that will manage many things related to patent protection rules, and will provide an extension of time for foreign pharmaceutical companies to monopolize drug patents and eliminate the opportunity to produce generic drugs to communities, critical both communicable and non-communicable such as HIV, Cancer, Heart, etc. For that CSO reject the existence of TRIPS-Plus rules in IEU CEPA.



The civil society organization submitted a TRIPS rejection letter to the representative of the Commissioner of Commerce of the European Union Commission.

The refusal was conveyed by IGJ and CSOs by letter to Cecilia Malmström, Commissioner of Commerce of the European Union Commission. Through the letter the IGJ and CSOs criticize the EU proposal in Intellectual Property rights chapters, particularly in the patent rights section, offering many arrangements that require a higher IPR commitment than TRIPS (IPR agreement in the WTO). The TRIPS plus proposals made by the EU in FTA negotiations with Indonesia include:



The action of civil society groups at the 5th Indonesian-EU Comprehensive Economic Partnership Agreement (CEPA). / Bart-Jap Verbeek

1. Extension of patent terms for drugs for delays in marketing approval with a second patent extension period when pediatric research is undertaken.
2. Exclusivity of data and markets in drugs with added exclusivity periods for new uses of old drugs that are judged to be significantly clinically valuable when compared with existing therapies.

The additional monopoly on drugs proposed by the EU will make these drugs unaffordable in Indonesia. This is because the patented medicines have a more expensive price compared to the generic version. For example, the patented version of drugs to treat AIDS is worth US\$ 15,000/patient/year, but the generic version costs only US\$ 67/patient/year.

Indonesia's GNP per capita is US\$ 3,540 compared with EU US \$ 32,778 (9 times bigger than Indonesia). Even at the equilibrium level of purchasing power, 62% of the Indonesian population lives at a cost of less than US\$ 5.50 / day, hence, they have problems in fulfilling drugs plus TRIPS levels of intellectual property protection (patents for 20 years and no data exclusivity/market for drugs). US\$ 15,000/patient/year for patent medicines

for HIV / AIDS, it takes at least 62% of Indonesians and within 7 years to pay for drugs for 1 year, if they spend all of their money on these medicines. If Indonesia is forced to approve the above RTRIPS + EU proposal, then many Indonesians living with HIV will die by the actual disease can be treated, due to overly expensive medicines.

"This agreement will establish patent protection for longer, and it will affect people's access to drugs," said Lutfiyah Hanim, who conducted research on the EU proposal on the HKI chapter. In addition to the patent extension, Hanim also mentioned that the EU also proposes the application of data exclusivity, where unpatented patent drugs cannot be generated by generic versions because generic companies are prohibited from using data to sell or generate generic versions.

Therefore, Hanim said, it is very important for the Indonesian government to reject the EU proposal in the HKI chapter asking for the implementation of TRIPS Plus. "There is no benefit for people in Indonesia to implement TRIPS-plus, it will only complicate access, and raise drug prices," explained Hanim. []

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