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PASCAL LAMY  
MEMBRE DE LA COMMISSION EUROPEENNE

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Brussels, **17. 12. 2002**  
IG/re D(2002) 4591

Dear Sirs,

Thank you for your letter of 25<sup>th</sup> November 2002 on paragraph 6 of the Doha Declaration on the TRIPs Agreement and Public Health.

As you know, the EC has not chosen to pursue an Article 30 approach, because, in view of the strong opposition of a number of WTO Members, it makes no chance of becoming the basis for a consensus.

On the other hand we have always insisted on a clear, legally secure and permanent solution. This is the reason why we advocate an amendment to Article 31 of the TRIPs Agreement, as does the African Group in the WTO. Other developing countries are also following suit as they realise that an amendment is the most viable way to come to a definitive and permanent solution.

Pursuant to the rules governing the EC's common commercial policy, the Commission has duly been mandated to take this negotiating position by the Member States, through the 133 Committee. Therefore, I am not in a position to support Amendment 196 to the revision of EC Directive 2001/83. Moreover, one should not forget that this amendment is by no means definitive, but only represents a preliminary stage in the procedure leading to the adoption of the Directive.

In your letter you state that news reports suggest that EC and US negotiators are seeking to limit the solution to paragraph 6 of the Doha Declaration only to certain drugs to some countries. Let me be very clear on that : these news reports misrepresent the EC's position.

The EC has consistently held, and still holds, the view that we should stick to the scope set out in paragraph 1 of the Doha Declaration, as proposed in the 24 November proposal by the Chairman of the TRIPs Council.

Mr. James LOVE  
Co-Chair TACD IP-workinggroup

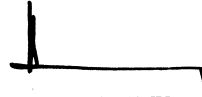
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Furthermore, the EC has shown quite some flexibility as regards the countries which should benefit from the system as importers, but we continue to take the view that developed and high income countries should not use the system. The system was never intended to benefit developed countries. This would clearly not correspond to the letter and the spirit of the Doha Declaration.

I am copying this letter to Ambassador Zoellick, United States Trade Representative.

Yours faithfully,



Pascal LAMY