



Pascal LAMY
Director-General

04 MAR 2009

Thank you very much for your e-mail letter, dated 18 February 2009, drawing my attention to recent action by Dutch customs authorities regarding in-transit generic medicines manufactured in India.

The issue at stake is certainly very important and sensitive. As such, it deserves to be adequately addressed so that efforts to enhance access to medicines are supported and the creation of barriers to legitimate trade in generics is avoided. In this regard, your letter rightly points out the strong determination of all WTO Members to promote access to medicines for all which was explicitly confirmed in 2001 when the Doha Declaration on the TRIPS Agreement and Public Health was adopted.

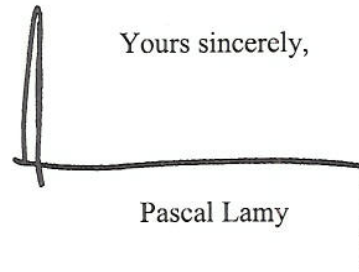
As you are aware, the delegations of Brazil and India raised this matter at the WTO's General Council meeting on 3 February 2009 and at the TRIPS Council meeting on 3 March 2009. On those occasions, the delegation of the European Communities reiterated its commitment to the efforts being made to facilitate access to medicines. I understand that the matter is also being further explored at the bilateral level between the Members concerned.

This is why I sense that at this stage Article 5 of the DSU concerning disputes is not of relevance in this case.

I nevertheless remain ready to help Members who require my assistance to help find a solution to a disagreement with other Members, if this disagreement were to persist.

I trust the above addresses your queries and I remain at your disposal to further address this issue.

Yours sincerely,



Pascal Lamy

by e-mail: thiru@keionline.org

BUKO Pharma-Kampagne, Christian Wagner-Ahlfs
Consumers International, Bjarne Pedersen
Consumers Union, Chris Murray
Essential Action, Robert Weissman
HAI Africa, Patrick Mubangizi
HAI Asia Pacific, Kumariah Balasubramaniam
HAI Europe, Teresa Alves
HAI Global, Tim Reed

HAI Latin America and Caribbean, Roberto Lopez
Health GAP, Brook Baker
IQsensato, Nicoletta Denticio
Knowledge Ecology International, James Love
Medico International, Thomas Gebauer
Oxfam International, Jenny Heap
Third World Network, Sangeeta Shashikant
U.S. PIRG, Edmund Mierzwinski

CC: Mr. Kunio Mikuriya, World Customs Organization
Mr. Francis Gurry, World Intellectual Property Organization
Dr. Margaret Chan, World Health Organization
H.E. Mr. Mario Matus (Chile) Chair, WTO General Council
H.E. Ms. Karen Tan (Singapore), WTO Council for TRIPS