



Social, Health and Family Affairs Committee

Remarks by Mr Bernard Marquet

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International conference

Preparing the practical implementation of the Council of Europe Convention on counterfeiting of medical products and similar crimes involving threats to public health (*Medicrime* convention) – 15-16 April 2010, Basel

Madam Chair,
Mr. Secretary General,
Madam Commissioner,
Dear participants, Ladies and Gentlemen,

(A. Introduction)

I am both honoured and flattered to have been asked to speak on this occasion on behalf of the Parliamentary Assembly of the Council of Europe, which speaks for the people of 47 states through their democratically elected representatives.

We, as parliamentarians, value the hopes, expectations, worries and fears of our constituents and make them known in our own national parliaments as well as in the Council of Europe Parliamentary Assembly.

We all know but all too often forget and underestimate the value of good health. We appreciate and value it only when it is frail, in danger or lost and we call on our governments to do their best to protect it.

The future Council of Europe *Medicrime* convention is a strong response from our European governments to citizens' fears. It is a tool to enhance their trust in health professionals and health systems.

This Convention is not expected to eliminate counterfeit medicines or to make counterfeiters extinct but it criminalises counterfeiting, making it a punishable offense and as a result a much riskier endeavour.

European citizens should be under no illusion as to the urgency of the problem. In recent years, counterfeit medicines for serious conditions such as cancer, heart disease and mental health have penetrated the legitimate supply chain in Europe and have reached patients.

Handling the increasing demands for medication from an ageing society as well as recent technological developments are among the challenges that lie ahead.

With this Convention, governments and parliaments wish to reaffirm their commitment to cooperating in the detection, investigation and prevention of the increasing incidences of falsely labelled, spurious or counterfeit medical products.

We commit ourselves to taking all necessary measures in order to ensure access to high-quality medical products.

We commit ourselves to establishing appropriate mechanisms to enable international co-operation and exchange of information among relevant authorities involved in detecting and combating counterfeit medical products.

(B. Counterfeit Internet medicines and wider health and social inclusion strategies)

Let's not forget that today's target is the man hiding behind a website.

Counterfeit Internet medicines are a mushrooming problem. Counterfeiters have become more organised, they have formed professional networks and adopted sophisticated marketing methods and advertising techniques.

The emergence of Web 2.0 technologies, such as blogs and social networks, has made the web a very attractive and powerful advertising platform. The anonymity and massive communication capability offered by the Internet is a prescription for disaster where medicines are concerned.

A precautionary approach is therefore needed in order to take all the necessary measures to protect the safety of patients and consumers in response to the increasing spread of this phenomenon.

In this regard, I was pleased to note that the use of large scale distribution, including through information technology systems, for supplying counterfeit medical products was considered to be an aggravating circumstance in the terms of the future *Medicrime* convention.

However, health strategies must consider what factors lead patients to buy medicines from unregulated sources. These may include low cost, accessibility, convenience, stigma attached to certain conditions, such as mental and sexual health conditions, as well as a lack of awareness of the dangers.

The relative anonymity of the Internet encourages people to access advice and products for which they would be reluctant to ask their healthcare provider or pharmacist.

Poverty is also an aggravating factor that drives patients towards cheaper medical products.

Criminal law provisions must go hand in hand with wide ranging health and social inclusion policies. Policy makers therefore need to address these factors and to ensure that the cost of improved safety measures is not borne solely by patients, thus contributing to increasing health inequalities.

C. *The Assembly strongly promotes international co-ordination, synergy and solidarity*

Your presence today and the commitment from so many states is a positive and hopeful sign....

I would like to highlight the added value which the Council of Europe can bring to this Convention resulting from the interaction of its component bodies, the European Directorate for the Quality of Medicines & HealthCare (EDQM), the Directorate General of Human Rights and Legal Affairs, the Directorate General of Social Cohesion, the Committee of Ministers and the Parliamentary Assembly.

Our goodwill alone, however, will not eliminate unethical and illegal practices, but the effects may reduce the impact to a more manageable level.

The future *Medicrime* Convention outlines a clear roadmap to continue our progress towards this goal and the Parliamentary Assembly will strongly promote its signature and ratification by the largest number of countries possible.

However, improving the regulatory framework is only one element. Political will is needed to implement the future *Medicrime* convention into national law, to enforce laws and to set up an efficient and coordinated system of checks and tracing mechanisms allowing identification and safe recall. Police and custom authorities should be given more tools to arrest and prosecute counterfeiters.

Our success will be measured by impact and we depend on you to ensure effective implementation and enforcement of the legislation on counterfeit medicines: Health, Judicial and Enforcement authorities, Chief Medical and Pharmaceutical Officers, Heads of Medicines Agencies, State Prosecutors, Heads of Police and Customs Agencies.

We also need a strong European and international framework, with the Council of Europe, the European Union and the World Health Organisation on board. There is no competition in this endeavour, only a pressing need for closer co-operation and international solidarity that involves input from all players.

We will not succeed if we act in isolation.

The Convention will reach its full potential when it is ratified by other countries in Europe and beyond. We have to reach out globally, starting with a core number of states which will equip themselves with robust systems to prevent counterfeit medicines penetrating the supply chain.

AS/Soc (2010) 3

The Parliamentary Assembly is extremely pleased with all that has been achieved so far and is eager to support future developments with a view to curtailing the threat to patients from counterfeit medical products.

I thank you very much for your participation and your commitment.