

**Statement to the 136th Session of the WHO Executive Board
on agenda item 10.3 Substandard/spurious/falsey labelled/falsified/counterfeit medical
products**

Thank you, Chair, for giving me the opportunity of addressing the distinguished Members of the Executive Board on behalf of Medicus Mundi International, Third World Network and the People's Health Movement.

We take this opportunity to point out that the term SSFFC is used as a temporary measure in order to find a term or terms, which is not linked to IP enforcement. However, after four and half years WHO is still using the term counterfeit. The continuance of the word "counterfeit" bears the danger that the work of MSM would be used to further the IP enforcement agenda. It is important to drop the term counterfeit, which connotes IP enforcement. We call upon the MS to expedite the work of the MSM and drop the term counterfeit.

As we understood, the MSM process was created to do away with the conflation of quality of medicines with IP protection and enforcement, a mistake committed by the Secretariat with active participation of pharmaceutical industry.

It is important to avoid confusion and bring a public health oriented approach to address concerns related quality, safety and efficacy. However, the work of the MSM mechanism is yet to bring clarity in this regard. While the second meeting of MSM identified actions, activities and behaviors that result in SSFFC, the second phase of the task, such as the identification of actions activities, and behaviors which do not result in SSFFC medical products, is yet to be completed.

There are many brackets in the text including the title of the document, which determines its scope. We note with anguish that there is bracket on text, which excludes medicines in transit from the scope of activities resulting from SSFFC. The medicine in transit should not be intercepted without the request from either exporting or importing countries.

WE call upon Member States to shed the trade and IP enforcement considerations and address the issues and ensure access to affordable medicines with quality. We take this opportunity to call upon Member States to approach the issue of quality, safety and efficacy of medicines without trade and intellectual property considerations.

*The statement will be delivered by Belinda Townsend
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