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Date: 7th Sep 2018

To,

Mr. Joko Widodo, President, Republic of Indonesia

Prof. Dr. Pratikno, Minister of State Secretariat, Republic of Indonesia

Mr. Enggartiasto Lukita, Minister of Trade, Republic of Indonesia

Ms. Retno L.P. Marsudi, Minister of Foreign Affairs, Republic of Indonesia

Prof. Dr. Nila Farid Moeloek, Minister of Health, Republic of Indonesia

Ms. Ir. Penny K. Lukito, MCP, Head of National Agency of Food and Drug Control, Republic of Indonesia

Re: EFTA–Indonesia trade negotiations and its impact on access to medicines

Dear Mr. President, Dr. Pratikno, Mr. Lukita, Ms. Marsudi, Dr. Moeloek and Ms. Lukito,

On behalf of Médecins Sans Frontières (MSF), an international medical humanitarian organisation that provides emergency medical assistance to populations in distress in more than 70 countries, we are writing to you to express our concern over the potential negative consequences of the intellectual property (IP) negotiations between Indonesia and Switzerland, a crucial component of the ongoing European Free Trade Association (EFTA)–Indonesia trade talks.

As both parties have resumed technical discussions concerning the IP chapter this month, we urge you to note that the Swiss government—heavily influenced by its pharmaceutical corporations—has long been trying to stamp out competition and legitimate trade in generic medicines between developing countries. We fear that the Swiss negotiators are now utilizing the EFTA–Indonesia trade deal to seek more restrictive and burdensome IP proposals that threaten access to affordable, life-saving medicines in the country.

We would specifically like to draw your attention to those provisions that the Swiss are strategically attempting to introduce in the EFTA negotiations with developing countries that go beyond the World Trade Organization's (WTO) Agreement on Trade-related Intellectual Property Rights (TRIPS). Such 'TRIPS-plus' provisions would compel Indonesia to:

- extend pharmaceutical patent terms beyond the WTO's required 20 years (patent term extension)
- prevent the marketing approval of generic versions of patented medicines (patent linkage)
- grant additional monopolies by prohibiting the drug regulatory agency to use available pharmaceutical test data for the registration of a pharmaceutical product from a competitor. (data exclusivity)

It is critical that the EFTA–Indonesia trade deal remains free of measures that go beyond the TRIPS agreement since this would severely restrict or block generic competition, the only proven mechanism for reducing the prices of medicines, which, in turn, would jeopardize access to affordable generic medicines in Indonesia.

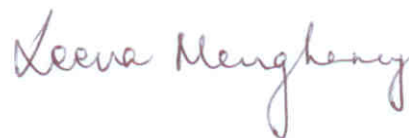
Generic competition has, for many years, played a pivotal role in providing a sustainable supply of affordable medicines that are vitally important for public health systems around the world. In the past decade, Indonesia has often utilized public health safeguards in its patent law to expand government access policies and introduce generic competition to help reduce prices of life-saving HIV medicines.

Keeping in mind the urgent and continued need for affordable vaccines and generic medicines, MSF urges Indonesia to make public health a priority and insist that TRIPS-plus intellectual property provisions be excluded from the EFTA agreement.

Sincerely,



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