

Seizure of medicine consignment at European ports

1023. SHRI B.S. GNANADESIKAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the medicine consignments of Indian firms have been seized in transit at European ports several times on the grounds of alleged patent infringement;

(b) if so, the details thereof;

(c) whether India and Brazil have moved jointly to the WTO against EU and Netherland on enforcement of European Union Custom rules claiming that EU has erred in confiscating generic Indian medicines in transit; and

(d) if so, the details thereof and response received by Government from WTO in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Yes, Sir.

(b) Information available regarding the detentions/seizures is given in the Statement (See below).

(c) and (d) Yes, Sir India and Brazil have filed requests to the Dispute Settlement Body of the WTO on 11 May 2010 and 12 May 2010 respectively for consultations with the EU and the Netherlands on the seizures of consignments of Indian generic drugs while in transit through Netherlands on ground of alleged infringement of patents. One round of Joint consultations has been held by India and Brazil with the EU on 7-8 July 2010 in Geneva where representatives from the Government of Netherlands were also present.

Statement

Details of detentions/seizures made by EU of India's generic medicines

S.No.	Name of the Indian company	Product	Status
1	2	3	4
1.	Aurobindo Pharma Ltd.	Losartan	Detention was made at Amsterdam Airport on 9 October 2008 of consignment which was destined to Portugal. Dutch Customs decided to destroy the consignment.

1	2	3	4
2.	Indswift Laboratories Ltd.	Clopidogrel	Consignment was detained at Schiphol Airport, Netherlands on 12 October 2008. It was destined to Colombia. It was released on 19.5.2009 and was brought back to India.
3.	Medopharm Ltd.	Amoxicillin tablets	Consignment was detained in Munich Airport on May 2009. It was later released on 26 May 2009 and was taken to destination in Denmark.
4.	Dr. Reddy's	Losartan	Consignment was detained on 24 December 2008 at Schiphol Airport, Netherlands. It was destined to Brazil. The detained goods were released in January 2009 and brought back to India.
5.	Cipla Ltd.	Olanzapine	Consignment was detained on 20 November 2008 at Schiphol Airport, Netherlands. It was destined to Peru. Cipla gave objection to the detention on 5 March 2009.
6.	Cipla Ltd.	Rivastigmine	Consignment was detained on 20 November 2008 at Schiphol Airport, Netherlands. It was destined to Peru. Cipla protested against detention. The consignment was released on 23 April 2009 and was sent to the destination.
7.	Aurobindo Pharma	Abacavir	Consignment was detained in November 2008 at Schiphol Airport, Netherlands.