



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



REGIONAL CONFERENCE

FROM SIGNATURE TO RATIFICATION AND IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON COUNTERFEITING OF MEDICAL PRODUCTS AND SIMILAR CRIMES INVOLVING THREATS TO PUBLIC HEALTH (MEDICRIME CONVENTION)

With the participation of representatives from:
Andorra, Belgium, France, Germany, Republic of Guinea, Ireland, Italy,
Luxembourg, Monaco, Morocco, Portugal, Spain, Switzerland, United Kingdom

21-22 November 2013

Madrid

Spain

SUMMARY OF THE CONFERENCE

The counterfeiting of medical products and similar crimes is a growing global threat, which violates the right to life as enshrined in the ECHR by effectively denying patients the necessary medical treatment, and therefore being often harmful to their health. It needs to be efficiently combated through close international co-operation not only between CoE member states but also between non-member states alike.

The presentations underlined that the counterfeiting of medical products and similar crimes is considered a more lucrative business than that of illicit drugs, due to the relatively low risk of prosecution and detection, the potential high gains, and the ease of their advertising and supply around the world through the Internet.

The six Sessions of the Conference, each focusing on various key aspects tackled by the MEDICRIME Convention, have brought to light the various challenges facing states with regard to the implementation of the MEDICRIME Convention.

At the opening session, the MoJ of Spain underlined that “when facing organised crime, no single response can be effective. A global response is needed”. During the Conference, many calls for countries to sign/ratify the MEDICRIME Convention were made as it is the only existing universal treaty which can legitimately fight the counterfeiting of medicines at a global level.

- **SESSION 1**, was devoted to the objectives and benefits of the MEDICRIME Convention, and clearly demonstrated that it is the first comprehensive international treaty aimed at combating all forms of counterfeiting of medical products and similar crimes involving threats to public health through criminalisation of specific types of conduct, prevention, protection of victims, promotion of national and international cooperation on criminal and administrative matters.
- **SESSION 2** dealt with the specific role of protecting the victims of the counterfeiting of medical products. The essential role of all the national competent authorities, the customs authorities, the police, the judiciary, the regulatory authorities, private companies, laboratories and civil society in the combat against the counterfeiting of medical products and similar crimes was highlighted. This should be balanced with a spirit of synergy and solidarity. It also underlined the need that the member states of the Council of Europe, as well as other states around the world, sign and ratify to the MEDICRIME Convention without unnecessary delay.
- The state of play of the signature/ratification of the MEDICRIME Convention in the CoE member states and in other signatory countries was discussed in **SESSION 3**. A large number of delegations gave information that their countries may already ratify the Convention in 2014. Others informed the Conference that the internal procedures are currently ongoing. The COMJIB and some Ibero-American countries present at the conference showed their interest in and support of the promotion of CoE standards worldwide.
- **SESSION IV** underlined that the counterfeiting of medical products and similar crimes is a transborder crime which needs to be tackled not only at national but also at international level. It was pointed out that criminals, often organised in criminal organisations, bypass national and international regulatory requirements and systems set up to safeguard the quality and safety of medical products. The illegal activities of such criminals threaten

people's lives and well-being and disrupt the integrity of national healthcare systems all over the world.

It was mentioned that the profits of organised criminal groups through the illegal activities related to the counterfeiting of medical products is calculated to be at least 20 times higher than those linked to the trafficking of drugs. It is important / necessary that states introduce in their legislation sanctions for the criminal offence of the counterfeiting of medicines that are "effective, proportionate and dissuasive" as prescribed by the MEDICRIME Convention. Repressive measures do not suffice. It is also essential to increase society's awareness of the extremely harmful consequences of counterfeited medicines on public health.

- During **SESSION 5**, all the different issues related to the implementation of the criminal law provisions of the MEDICRIME were presented in a comprehensive way. A detailed presentation on how the convention is to be seen with regard to the ECHR and the Strasbourg Court's case law was made. Moreover, a comparative presentation between the cybercrime and MECRIME convention was given and very much appreciated.
- **SESSION 6** highlighted the need to reinforce international co-operation and networking in order to combat counterfeit medicines efficiently and with a resource-saving approach. The example of EAMI, a network of Medicine Competent Authorities from Ibero-American countries composed of 19 authorities from Central and South-America and two European countries, Portugal and Spain, was presented with a specific focus on the online Rapid Information Alert System (FALFRA). The important role played by the Official Medicines Control Laboratories (OMCL) of the Council of Europe in supporting enforcement authorities in the fight against counterfeit medicines was also stressed. Details of the ongoing activities of the General European OMCL Network of the Council of Europe in this field were presented, such as the development of a common database with regulated access rights for customs, police and health authorities and the organisation of practical counterfeit training courses and joint market surveillance programmes on Suspected Illegal Products.

Finally, the participants underlined that this Conference has been an excellent way for them to understand the importance of MEDICRIME Convention.

In conclusion, the CoE and the participants in the Conference expressed their gratitude to Spain for its generous hospitality and for co-organising and hosting this 2nd regional conference in Madrid.