

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 80/2018

de 12 de novembro

O Presidente da República decreta, nos termos do artigo 135.º, alínea *b*), da Constituição, o seguinte:

É ratificada a Convenção do Conselho da Europa Relativa à Contrafação de Medicamentos e Infrações Semelhantes que Envolvam Ameaças à Saúde Pública, aberta a assinatura em Moscovo, em 28 de outubro de 2011, aprovada pela Resolução da Assembleia da República n.º 305/2018, em 2 de março de 2018.

Assinado em 26 de outubro de 2018.

Publique-se.

O Presidente da República, MARCELO REBELO DE SOUSA.

Referendado em 6 de novembro de 2018.

O Primeiro-Ministro, *António Luís Santos da Costa*.
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ASSEMBLEIA DA REPÚBLICA

Resolução da Assembleia da República n.º 305/2018

Aprova a Convenção do Conselho da Europa Relativa à Contrafação de Medicamentos e Infrações Semelhantes que Envolvam Ameaças à Saúde Pública, aberta a assinatura em Moscovo, em 28 de outubro de 2011.

A Assembleia da República resolve, nos termos da alínea *i*) do artigo 161.º e do n.º 5 do artigo 166.º da Constituição, aprovar a Convenção do Conselho da Europa Relativa à Contrafação de Medicamentos e Infrações Semelhantes que Envolvam Ameaças à Saúde Pública, aberta a assinatura em Moscovo, em 28 de outubro de 2011, cujo texto, na versão autenticada em línguas inglesa e francesa, e respetiva tradução para língua portuguesa, se publica em anexo.

Aprovada em 2 de março de 2018.

O Presidente da Assembleia da República, *Eduardo Ferro Rodrigues*.

COUNCIL OF EUROPE CONVENTION ON THE COUNTERFEITING OF MEDICAL PRODUCTS AND SIMILAR CRIMES INVOLVING THREATS TO PUBLIC HEALTH (*)

Moscow, 28.X.2011

Preamble

The member States of the Council of Europe and the other signatories to this Convention:

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Noting that the counterfeiting of medical products and similar crimes by their very nature seriously endanger public health;

Recalling the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), which recommends the development of measures to strengthen the security of European citizens;

Bearing in mind the Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on 10 December 1948, the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5), the European Social Charter (1961, ETS No. 35), the Convention on the Elaboration of a European Pharmacopoeia (1964, ETS No. 50) and its Protocol (1989, ETS No. 134), the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (1997, ETS No. 164) and the Additional Protocols thereto (1998, ETS No. 168, 2002, ETS No. 186, 2005, CETS No. 195, 2008, CETS No. 203) and the Convention on Cybercrime (2001, ETS No. 185);

Also bearing in mind the other relevant work of the Council of Europe, particularly the decisions of the Committee of Ministers and work of the Parliamentary Assembly, notably Resolution AP(2001)2 concerning the pharmacist's role in the framework of health security, the replies adopted by the Committee of Ministers on 6 April 2005 and on 26 September 2007, concerning respectively, Parliamentary Assembly Recommendations 1673 (2004) on "Counterfeiting: problems and solutions" and 1794 (2007) on the "Quality of medicines in Europe", as well as relevant programmes conducted by the Council of Europe;

Having due regard to other relevant international legal instruments and programmes, conducted notably by the World Health Organisation, in particular the work of the group IMPACT, and by the European Union, as well as in the forum of the G8;

Determined to contribute effectively to the attainment of the common goal of combating crime involving counterfeiting of medical products and similar crimes involving threats to public health, by introducing notably new offences and penal sanctions relative to these offences;

Considering that the purpose of this Convention is to prevent and combat threats to public health, giving effect to the provisions of the Convention concerning substantive criminal law should be carried out taking into account its purpose and the principle of proportionality;

Considering that this Convention does not seek to address issues concerning intellectual property rights;

Taking into account the need to prepare a comprehensive international instrument which is centred on the aspects linked to prevention, protection of victims and criminal law in combating all forms of counterfeiting of medical products and similar crimes involving threats to public health, and which sets up a specific follow-up mechanism;

Recognising that, to efficiently combat the global threat posed by the counterfeiting of medical products and similar crimes, close international co-operation between Council of Europe member States and non-member States alike should be encouraged;