



Република Македонија
Министерство за правда
Republika e Maqedonisë
Ministria e Drejtësisë
Republic of Macedonia
Ministry of Justice



European Directorate
for the Quality
of Medicines
& HealthCare

Direction européenne
de la qualité
du médicament
& soins de santé



МИНИСТЕРСТВО ЗА ЗДРАВСТВО
РЕПУБЛИКА МАКЕДОНИЈА

31 July 2014

REGIONAL CONFERENCE

MEDICRIME CONVENTION: A KEY TOOL AGAINST ORGANISED CRIME

CONCLUSIONS

19-20 June 2014
Skopje

www.coe.int/medicrime

The Council of Europe (CoE), in co-operation with the Ministry of Justice and Ministry of Health of the host country, organised the third Regional Conference on the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention), in Skopje on 19-20 June 2014.

The aim of the Conference was threefold: to promote the MEDICRIME Convention in different CoE member states in the Balkan region by encouraging them to sign and ratify it, to discuss the benefits and challenges of ratifying the MEDICRIME Convention, and to exchange experience and know-how and promote networking.

Mr Adnan Jashari, Minister for Justice, and Mr Nikola Todorov, Minister for Health, addressed the participants and expressed strong support for the Council of Europe's efforts to both combat the counterfeiting of medical products and similar crimes and promote the signature/ratification of the MEDICRIME Convention.

Following the discussions, participants agreed that:

- a) the counterfeiting (falsification) of medical products and similar crimes have taken on a global dimension, affect the Balkan region and violate the right to life as enshrined in the European Convention on Human Rights (ECHR) by denying patients the necessary medical treatment;
- b) owing to the absence of effective deterrent legislation and sanctions, the counterfeiting (falsification) of medical products has become an extremely lucrative business for organised criminal groups, particularly in the Balkan region;
- c) the MEDICRIME Convention is the only comprehensive international criminal-law convention which can legitimately and effectively combat the counterfeiting (falsification) of medicines and similar crimes;
- d) the MEDICRIME Convention constitutes a real breakthrough as regards victim protection insofar as a person cannot be excluded from enjoying the rights of victims accorded under the MEDICRIME Convention merely because (s)he has not yet suffered any adverse effects but is nevertheless likely to do so in the future;
- e) this Conference had been an excellent way for them to understand the importance of the MEDICRIME Convention and to better work towards its rapid signature and ratification;
- f) the CoE should further develop and promote best practices to prevent and combat the counterfeiting of medical products and similar crimes and support the implementation of the MEDICRIME Convention through further events in the Balkan region.

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

- **SESSION 1** was devoted to the objectives and benefits of the MEDICRIME Convention. It clearly demonstrated that the MEDICRIME Convention is the first comprehensive international treaty aimed at combating all forms of counterfeiting (falsification) of medical products and similar crimes involving threats to public health through criminalisation of specific types of conduct, prevention, victim protection and the promotion of national and international co-operation on criminal and administrative matters. Participants stressed that the adoption of a multidisciplinary approach by all players involved is the appropriate course of action for preventing the counterfeiting of

medical products. In this connection, better co-ordination between judicial, health and law enforcement authorities is urgently needed. It was noted that specific legislation was the prerequisite for both appropriate law enforcement by the police and customs authorities and effective court procedures by the judiciary.

- **SESSION 2** dealt with the specific needs of victims. The key role of all competent national authorities (the judiciary, the police, customs and regulatory authorities), private companies, laboratories and civil society in the fight against the counterfeiting of medical products and similar crimes was highlighted. The participants also underlined the need for member states in the Balkan region to sign and ratify the MEDICRIME Convention without unnecessary delay.
- **SESSION 3** took stock of the situation with regard to signature/ratification of the MEDICRIME Convention in the CoE member states of the Balkan region. National delegations provided detailed information on the internal procedures in their countries with a view to signing the MEDICRIME Convention, shared experience and called for further awareness-raising activities (e.g. capacity-building activities aimed at legal professionals, law enforcement and health authorities) with a view to promoting the MEDICRIME Convention and best practices with a view to tackling the global threat posed by the counterfeiting of medical products.

Participants stressed that co-operation between ministries involved in the MEDICRIME Convention should be further strengthened with a view to co-ordinating activities and initiatives aimed at promoting the signature/ratification of the MEDICRIME Convention. The sharing of national approaches and strategies among the countries of the Balkan region with a view to advancing in the process of signature/ratification of the MEDICRIME Convention was also welcomed by participants.

- **SESSION 4** emphasised 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. The importance of major operations to combat trafficking in counterfeit medicines (such as PANGEA and BIYELA) and the key role played by customs authorities were pointed out during the conference.
- During **SESSION 5**, the criminal-law aspects of the MEDICRIME Convention were presented to participants. In particular, a detailed presentation was given on how the MEDICRIME Convention is to be seen in relation to the ECHR and the Strasbourg Court's case law. The substantive criminal-law provisions contained in the MEDICRIME Convention and the role of the Public Prosecutor's Office in tackling the criminal groups responsible for the counterfeiting of medical products and similar crimes were stressed. Given the existence of a multitude of counterfeit (falsified) medical devices, participants recognised the urgent need to implement the MEDICRIME Convention, which is the first, and only, specific legal framework covering medicines and medical devices.
- In view of the potentially-life threatening impact on the health of individual patients, the integrity of healthcare systems and public safety across the countries of the region, **SESSION 6** stressed that multidisciplinary co-operation between competent health and law enforcement authorities was a prerequisite for protecting health and countering this global threat. Participants encouraged the CoE to further establish, strengthen and support in the region the single points of contact (SPOCs) provided for in the MEDICRIME Convention, laboratory co-operation and the OMCL network.

The host authorities stand ready both to support the CoE in encouraging member states in the Balkan region to sign/ratify the MEDICRIME Convention and to follow up this Conference.

In conclusion, the CoE and the Conference participants expressed their gratitude to the national authorities for its generous hospitality and for co-organising and hosting this 3rd Regional MEDICRIME Conference in Skopje.