



NA-FAMED Report

MEDICRIME Convention

NA-FAMED Report objectives

Objectives

- Base-line study on state of readiness to accede and implement Medicrime Convention
- Gap analysis approach
- Ascertain where the Council of Europe could assist preparation to accede & implement

Limitations

- report implies a prospective analysis related to the level of needs for implementation of certain provisions
- Submissions by national consultants not the official views of the countries
- Laws contemplated and not enacted at time of drafting, not considered, but may later have been enacted

Case law (jurisprudence)

National consultants'
submission of
reported case law

Various choices of
law used to
prosecute

Inconsistent national
approach on
prosecution

Similar offending to
that contemplated
by the MEDICRIME
Convention (Arts 5-8)

Case law reports
included in report

Findings & observations

General report – horizontal issues

- Absence of substantive criminal law offences – reliance on non-criminal law provisions
- Definitions do not always support offences
- Lack of harmonization by countries to address falsification of medical products

Detailed country report

- Convention is a holistic approach to counterfeiting & similar crimes
 - National laws not framed with this concept in mind
- Article by article to identify gaps for correspondence with MEDICRIME Convention
- Correspondence of individual articles v correspondence with the spirit of the Convention
- Identify challenges in internal laws to be addressed

Recommendations & Conclusions

Conclusions

- Current absence of applicable criminal laws
- Legal and procedural gaps
- Report enables Council of Europe identify where it can support countries to prepare for accession and implementation of the MEDICRIME Convention

Recommendations

- A single holistic law be enacted to implement rather than piecemeal approach
- Use a hybrid approach to drafting and implementing law – Justice-Health approach
- Isolated reliance on other laws intended for a different purpose to be avoided

The named authors alone are responsible for the views expressed in this publication.

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