



**International Trade & Health Conference 2019**  
**ASEAN Trade and Health:**  
**Seeking a Common Ground Towards SDGs**

**Bangkok, 19 November 2019**

**Trade in Health Products**

***Roger Kampf***  
***WTO Secretariat***

# WTO Contributions to SDGs

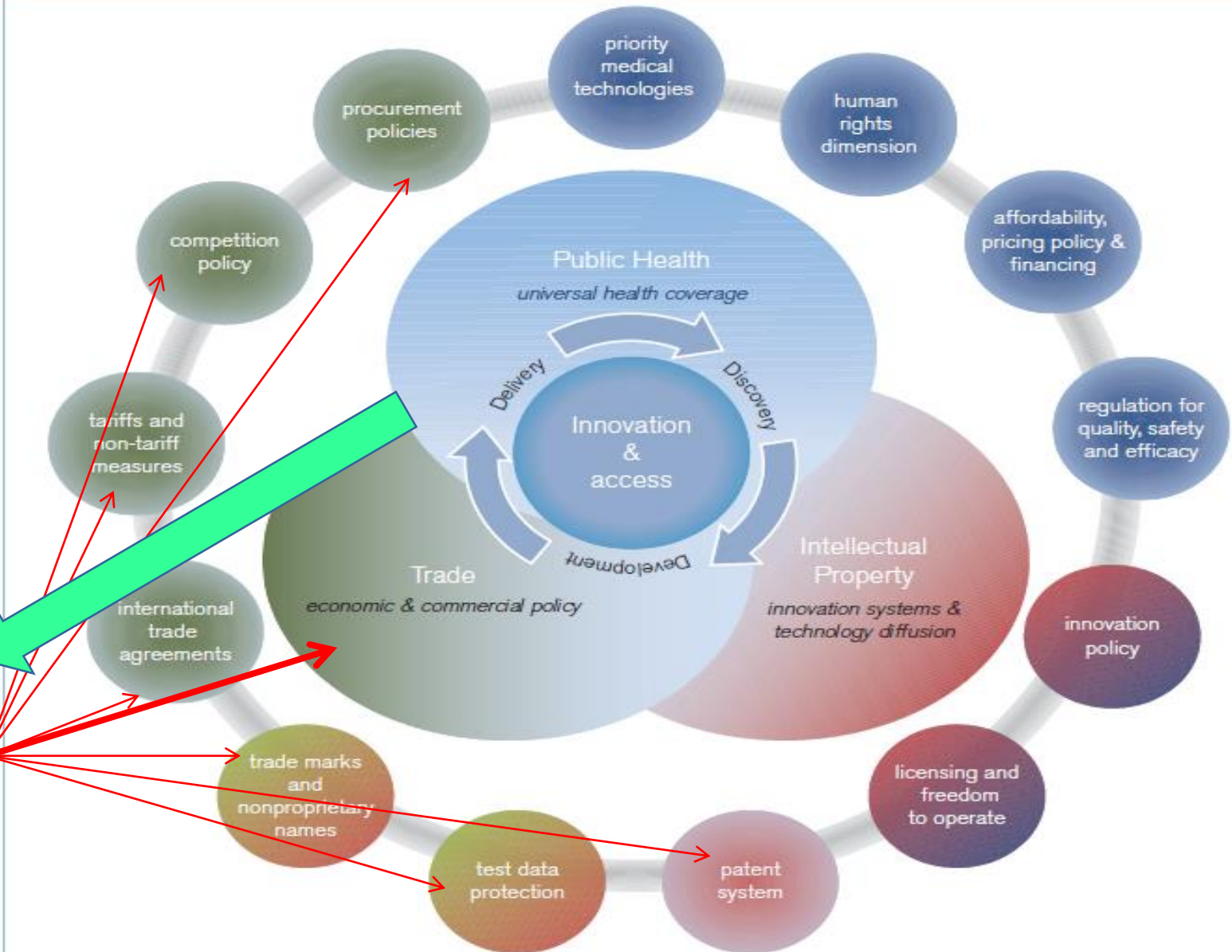


## Mainstreaming trade to attain the Sustainable Development Goals



# Health, IP and Trade: Intersections

Mapping the policy intersections: key areas of law and policy for innovation and access





# A Blueprint for Policy Coherence on Public Health

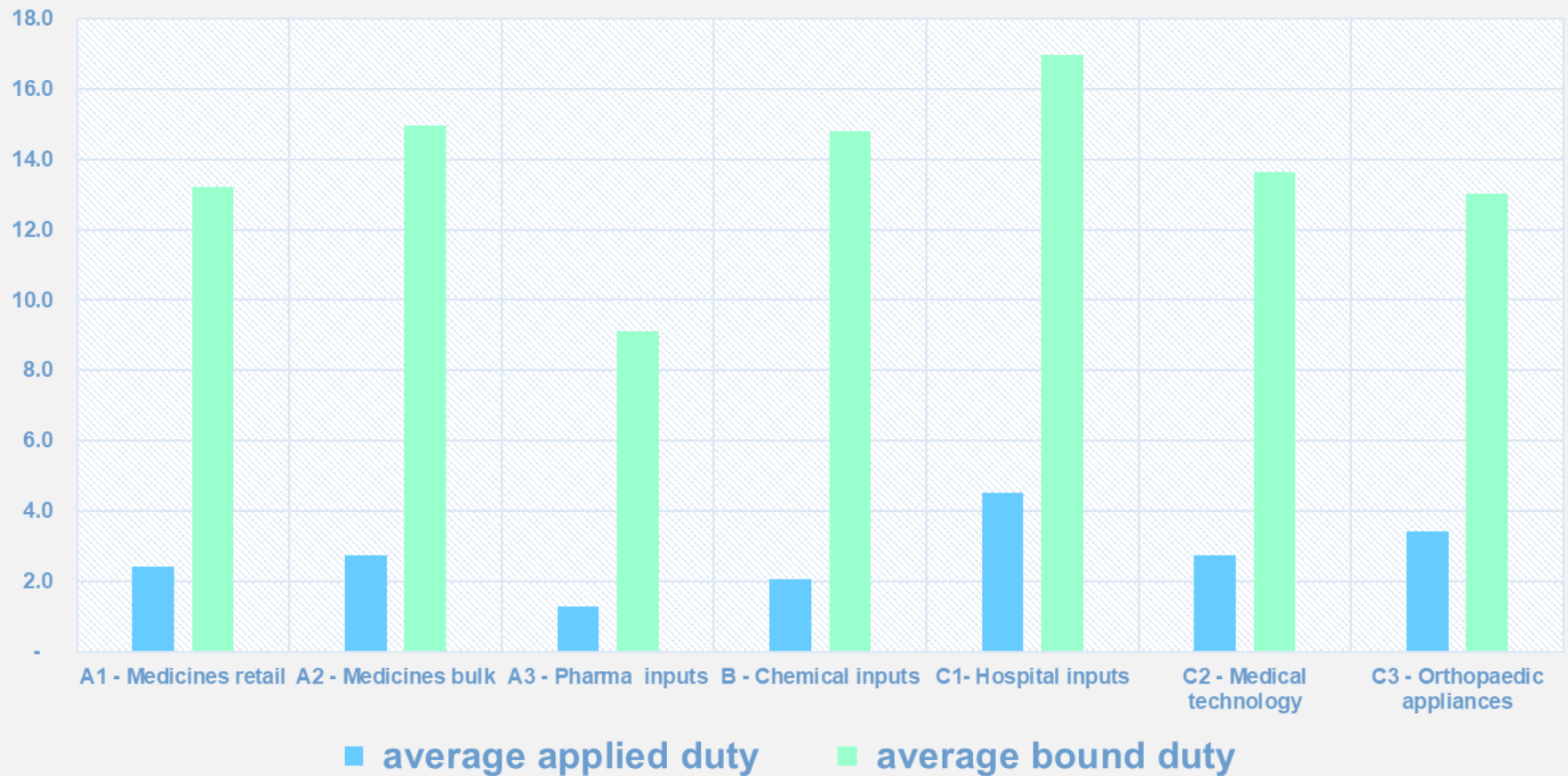
<b>WORLD TRADE ORGANIZATION</b>	<b>WT/MIN(01)/DEC/2</b> 20 November 2001
	(01-5860)
<b>MINISTERIAL CONFERENCE</b> <b>Fourth Session</b> <b>Doha, 9 - 14 November 2001</b>	

## DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH

Adopted on 14 November 2001

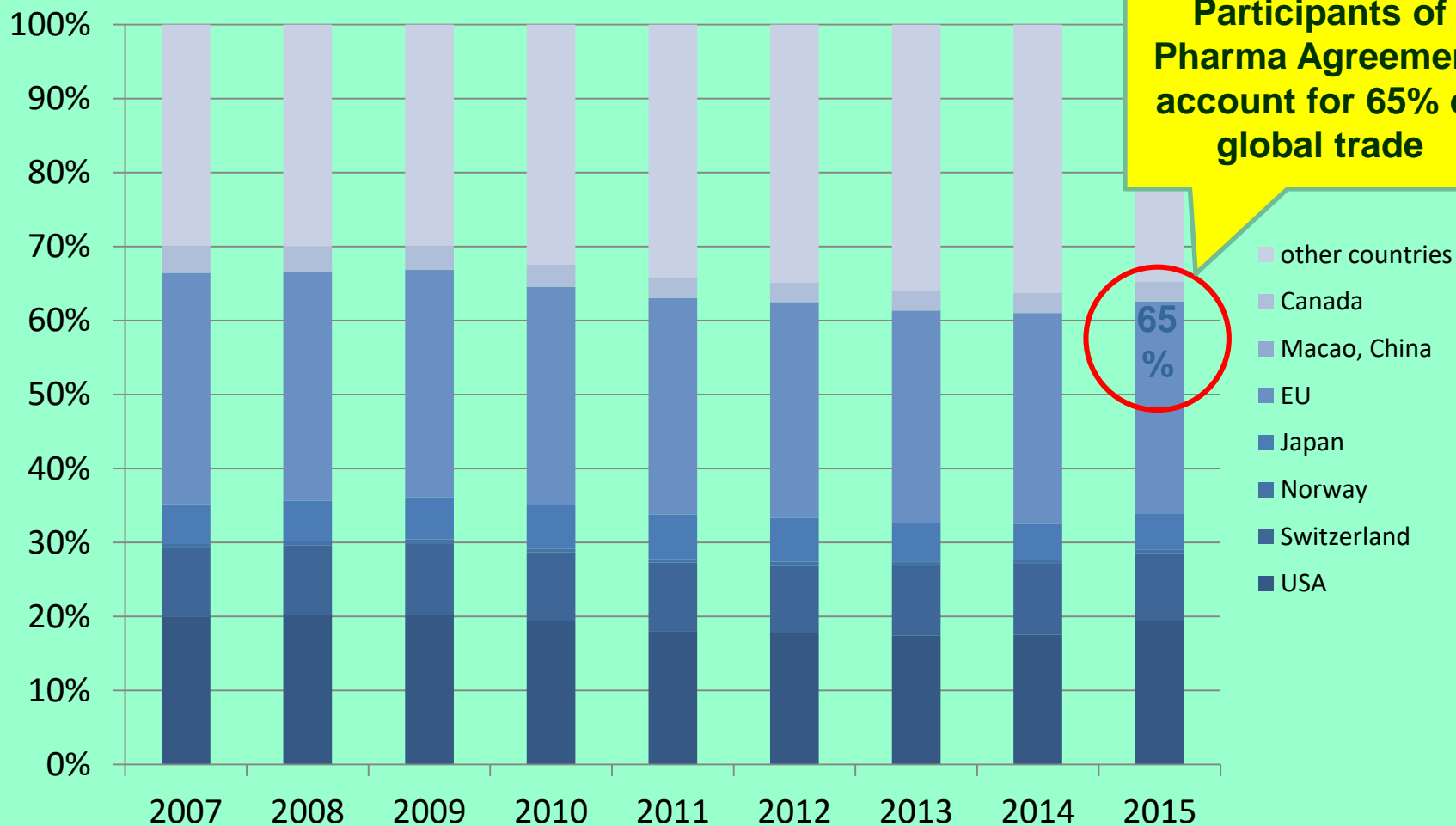
1. We recognize the gravity of the public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.
2. We stress the need for the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to be part of the wider national and international action to address these problems.
3. We recognize that intellectual property protection is important for the development of new medicines. We also recognize the concerns about its effects on prices.
4. We agree that the TRIPS Agreement does not and should not prevent Members from taking

# ASEAN: Applied & Bound Tariffs by Category



Source: WTO Integrated Database (IDB), 2018

# Pharma Members Share of Global Trade

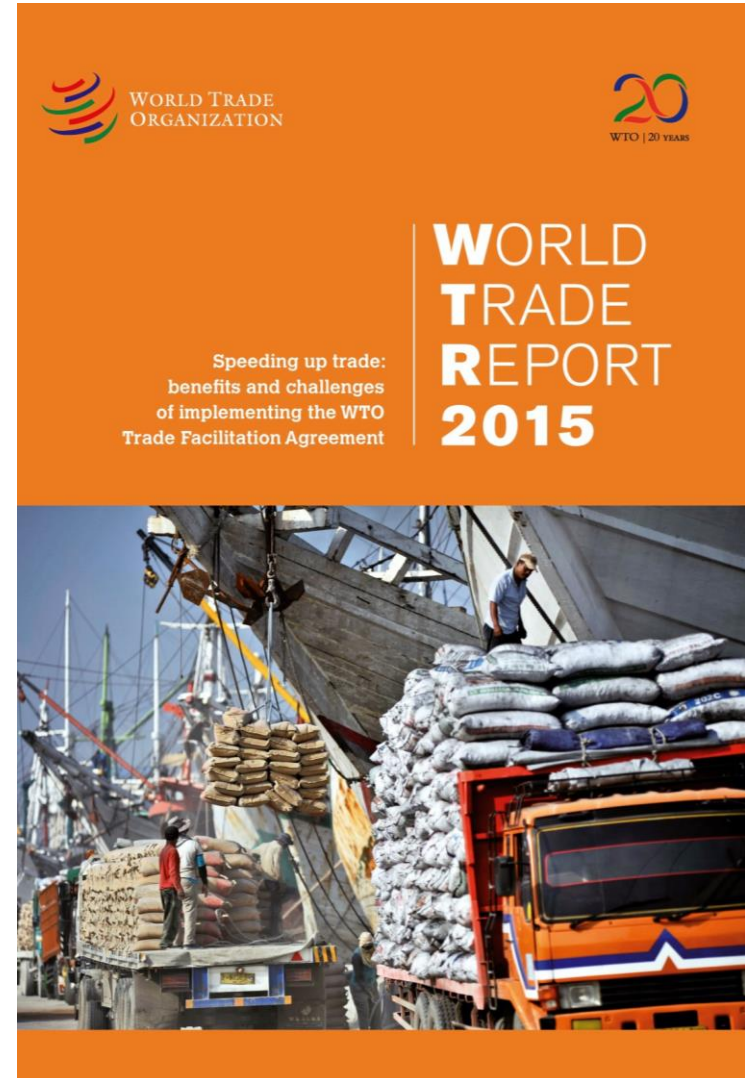


Source: UN Comtrade database 2016

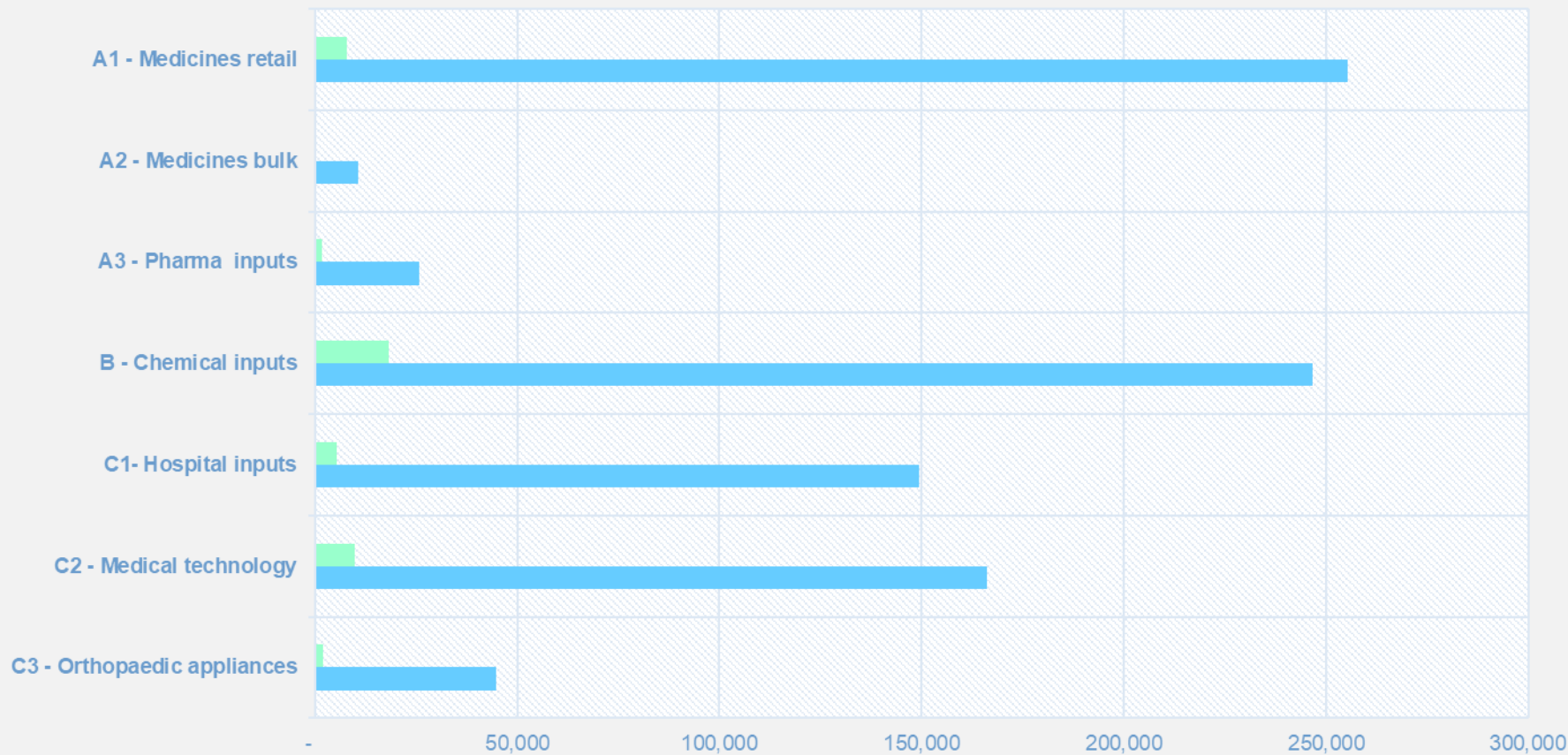
# Trade Facilitation Agreement

- **Modernization of customs practices**
- **Greater transparency about import-export procedures**
- **Simplification of import-export forms and fees**
- **Inspections and testing based on risk management**

**Full implementation by all WTO Members:  
Estimated average reduction of trade costs: 14.5%**



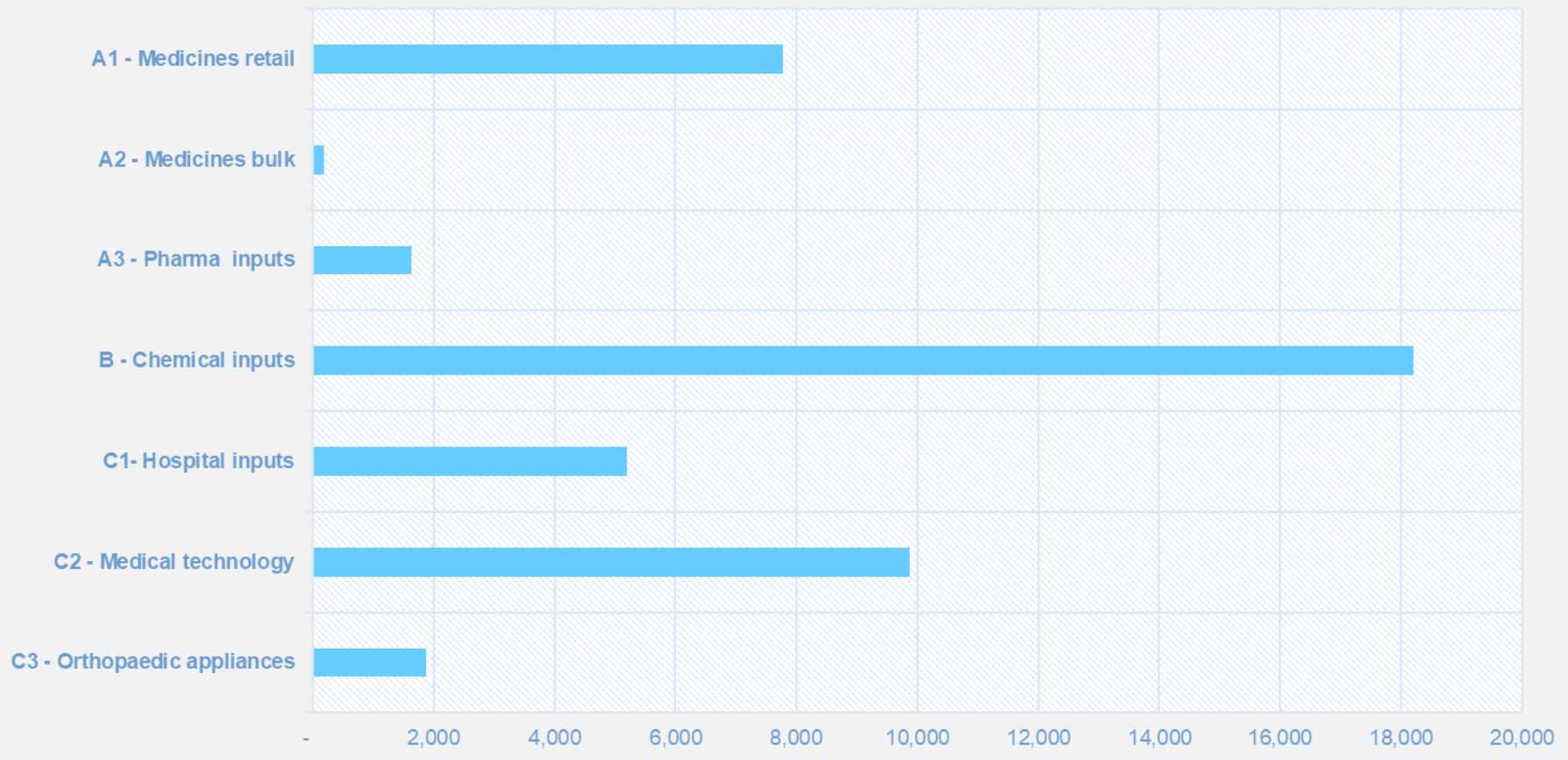
# World & ASEAN Imports by Health Category, 2016 (USD million)



Source: WTO Integrated Database (IDB), 2018

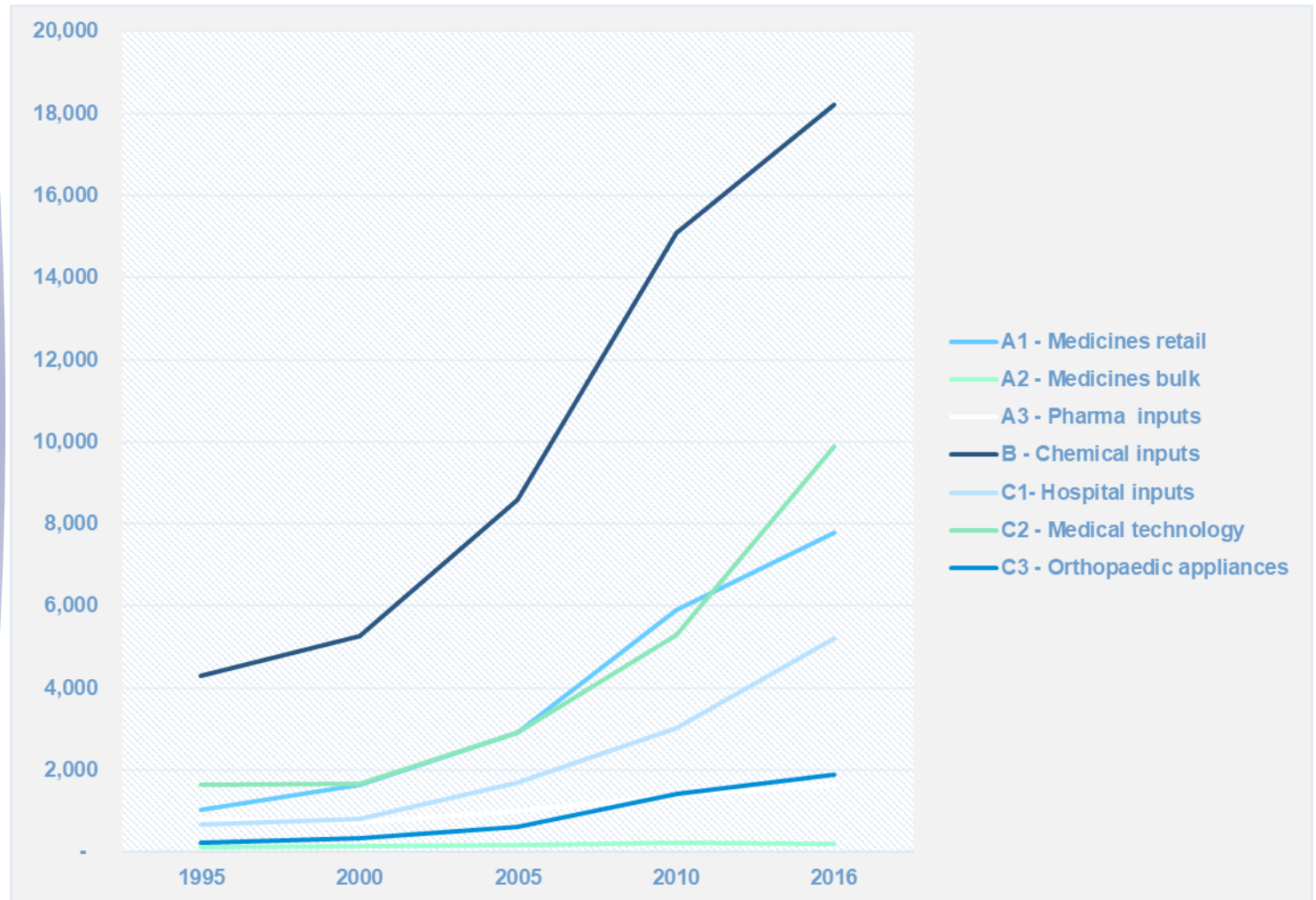


# ASEAN Imports by Health Category 2016 (USD million)



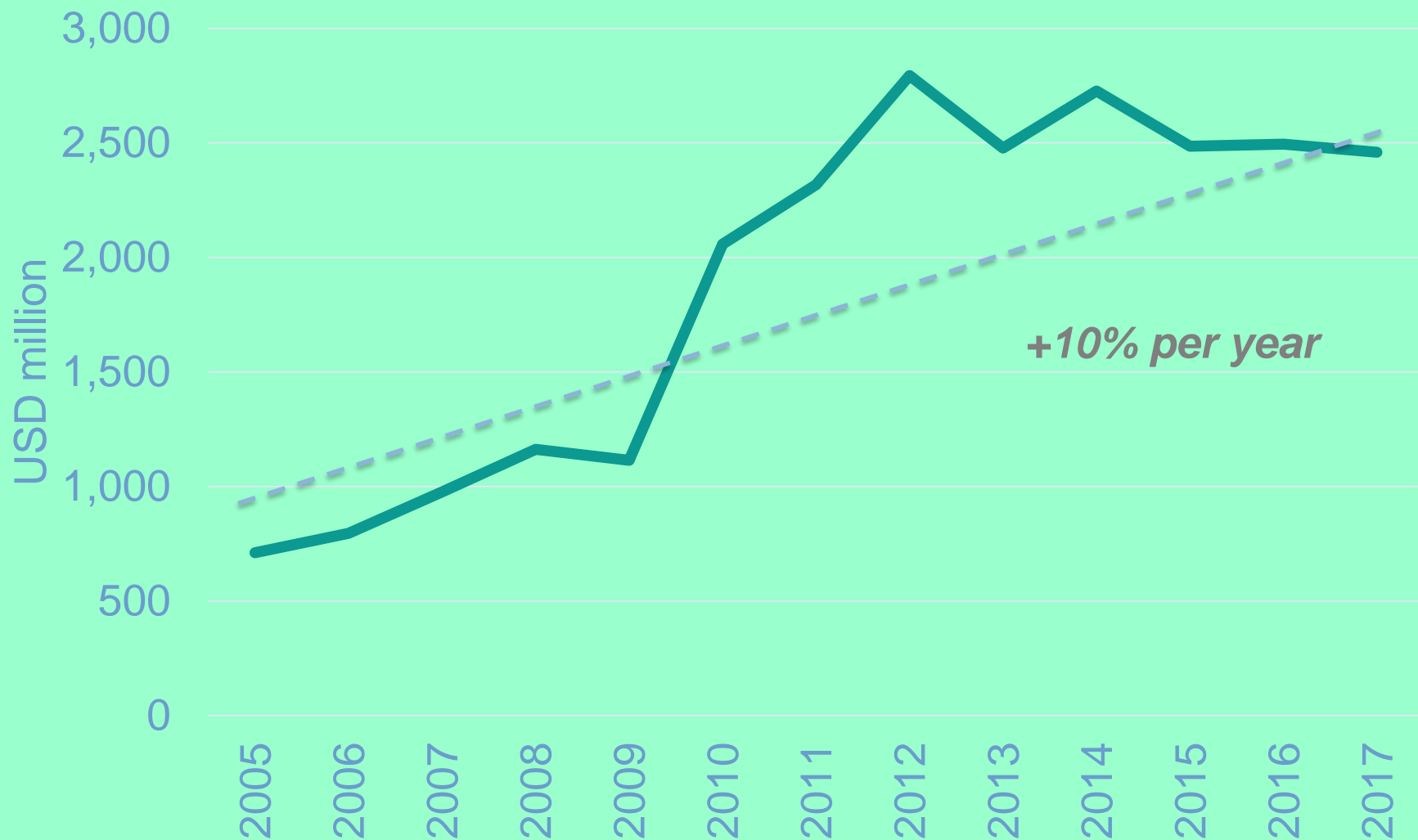
Source: WTO Integrated Database (IDB), 2018

# ASEAN Imports by Health Category 1996 - 2016, USD million



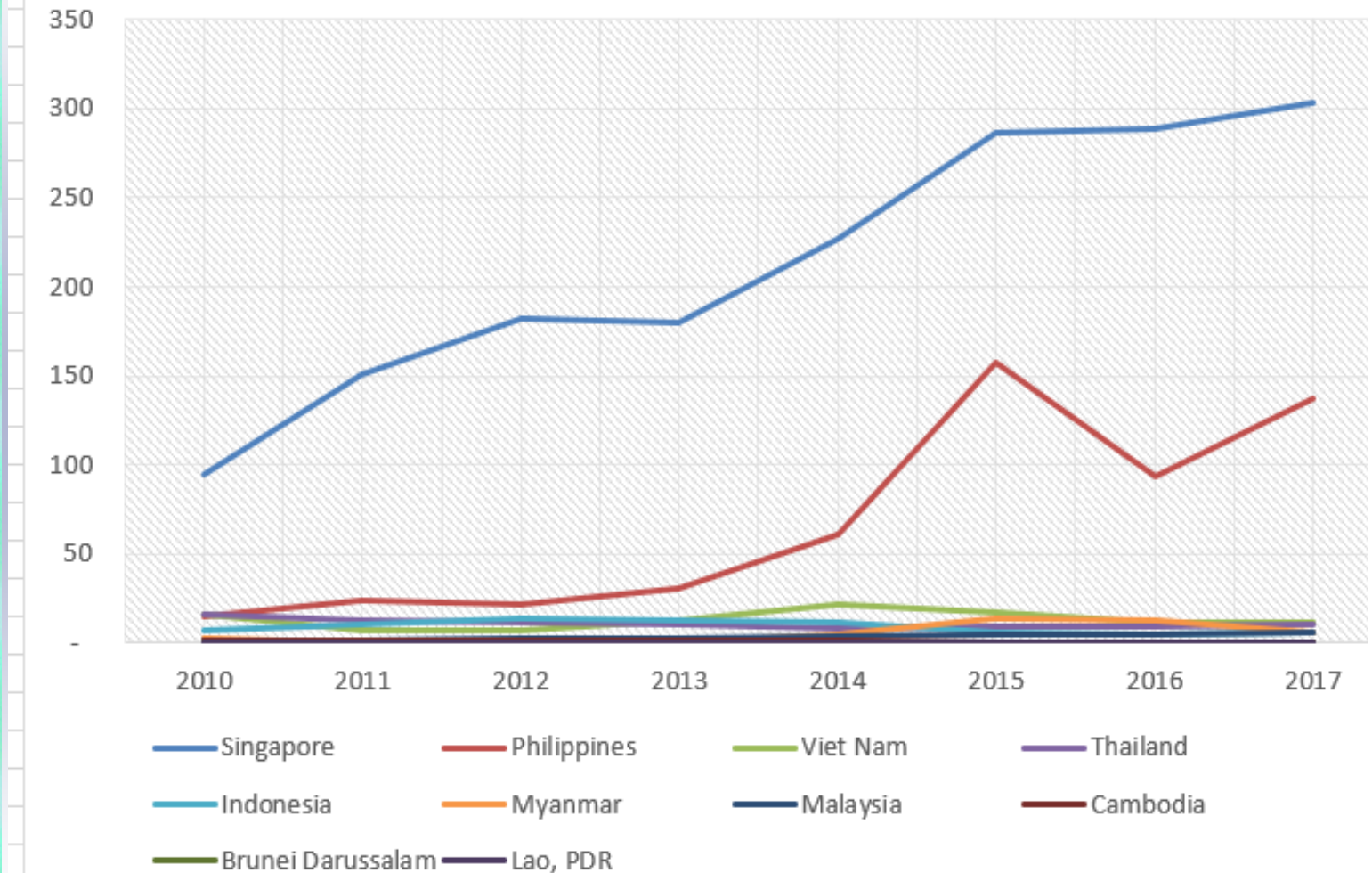
Source: WTO Integrated Database (IDB), 2018

# World Trade of Health Services (Mode 1)



Source: Trade in services by mode of supply (TiSMoS), 2019

# Export of Health-Related Services cumulated, 2010-2017 in USD million



Source: Trade in services by mode of supply (TiSMoS), 2019



# SPS Agreement vs. TBT Agreement

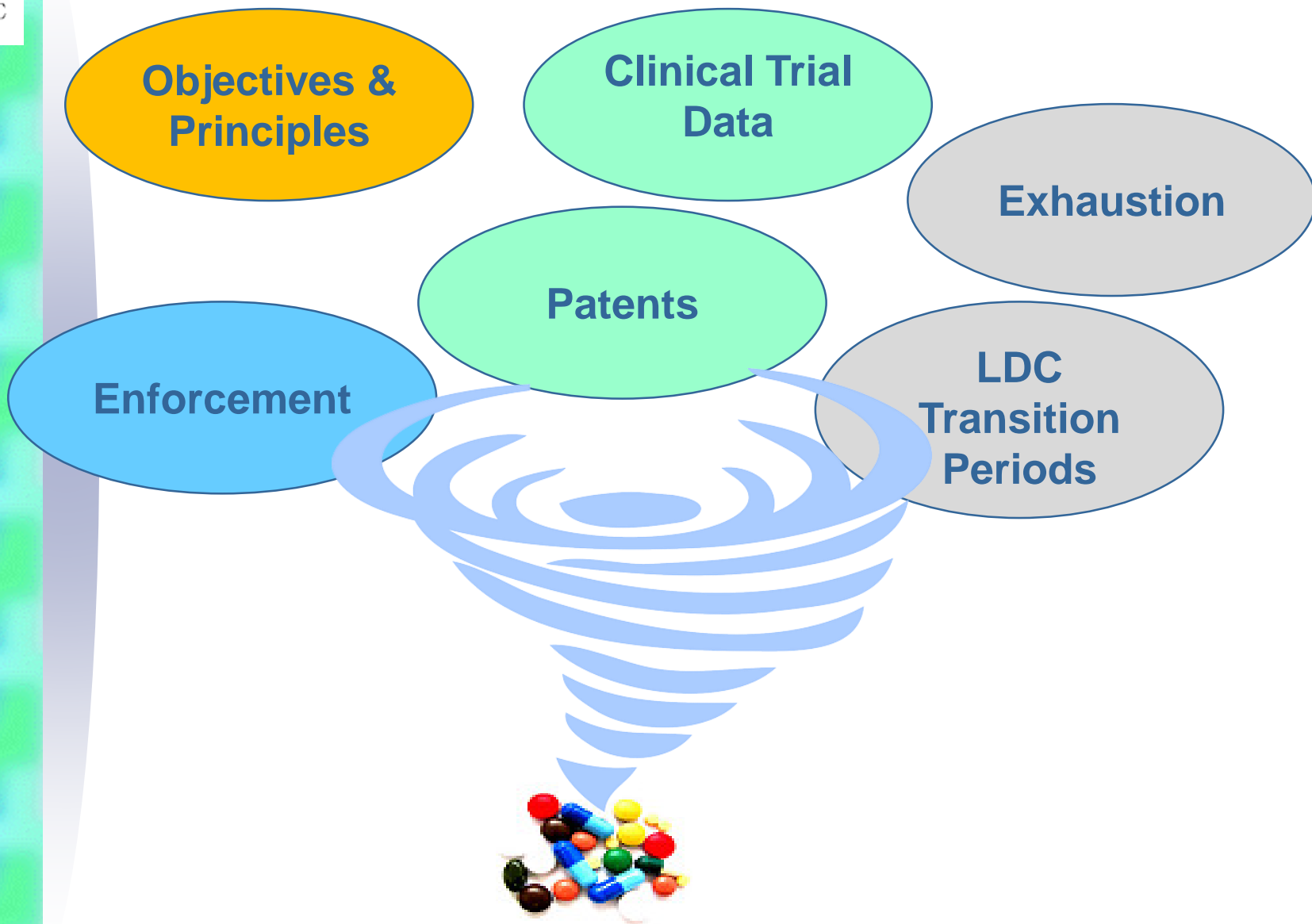
## SPS

- **Right to restrain trade when necessary to protect health**
- **Measures based on scientific principles**
- **Non-discriminatory**
- **No disguised restrictions**
- **Transparency**
- **Harmonization to international standards**

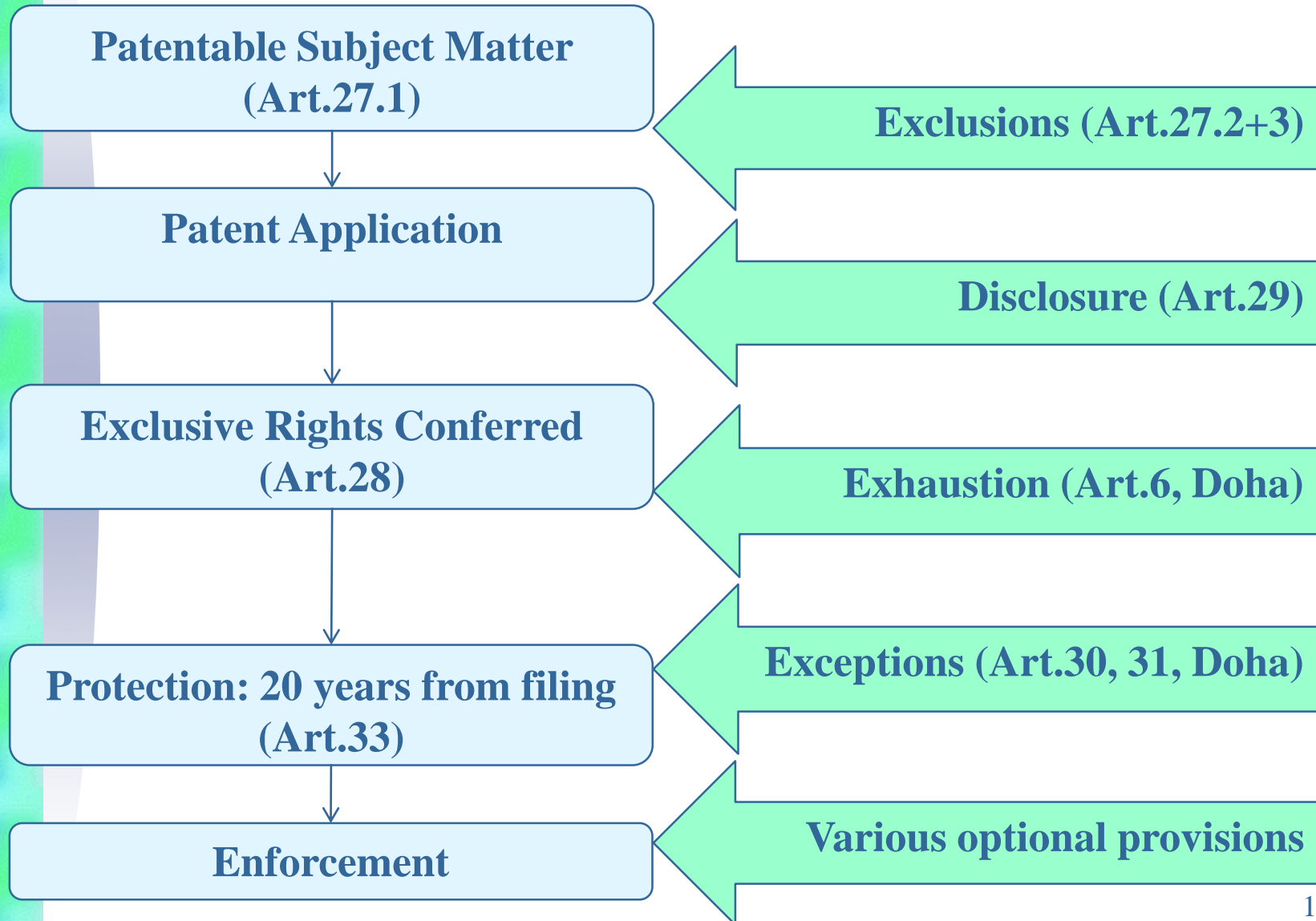
## TBT

- **Right to restrain trade when necessary to fulfil legitimate objectives (including health)**
- **Technical regulations take into consideration *inter alia* available scientific and technical information**
- **Non-discriminatory**
- **No disguised restrictions**
- **Transparency**
- **Use of “relevant” international standards**

# Key TRIPS Provisions



# Patent Provisions and Flexibilities: Balancing Various Interests



# WTO GPA: Health Sector Coverage

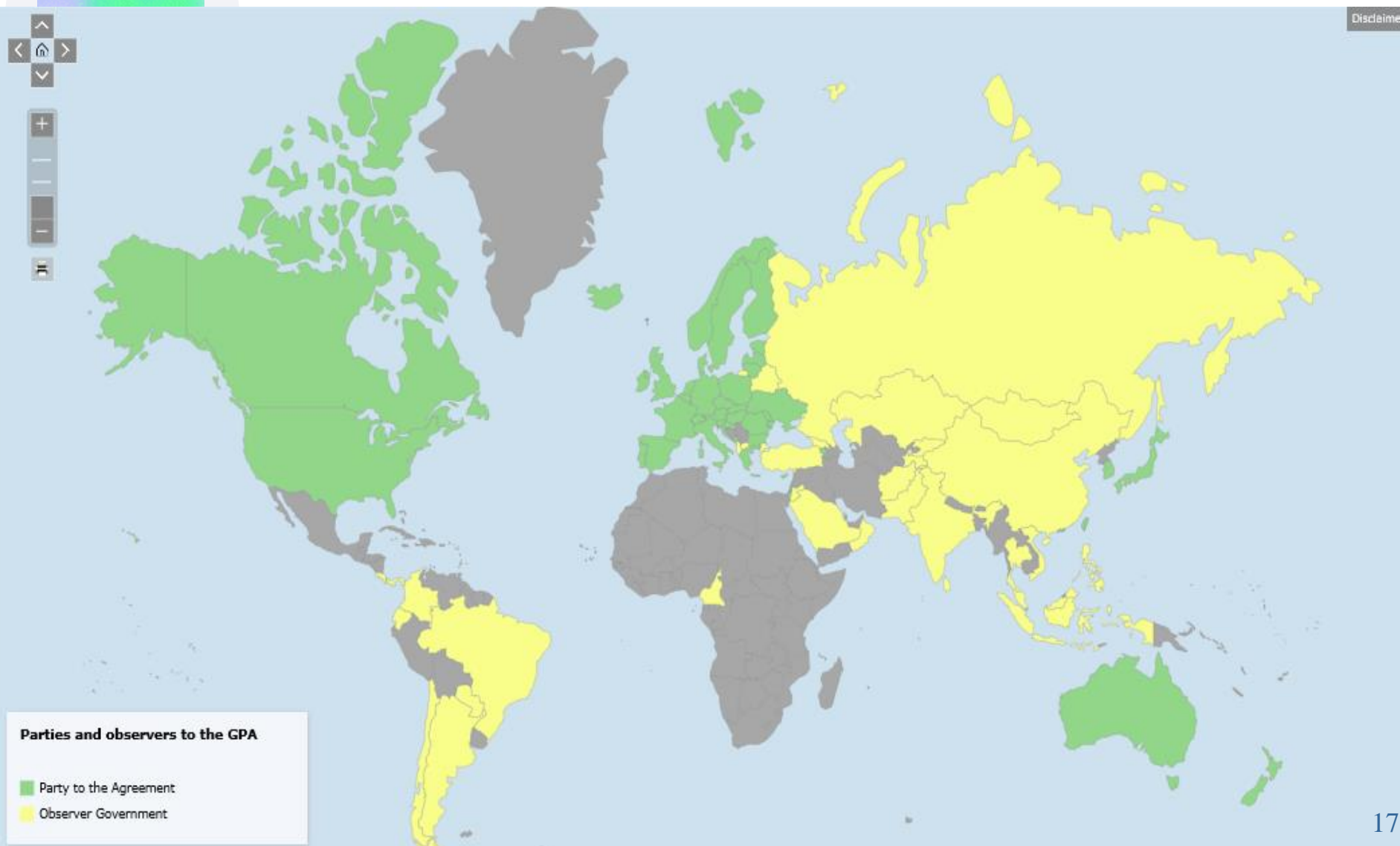
Party to the WTO GPA as of November 2019	Coverage of health-related entities at the central government level	Coverage of health-related entities at the sub-central government level	Coverage of goods (pharmaceutical products are generally considered to be goods)	Coverage of health-related services
Armenia	✓		✓	✓
Australia	✓	✓	✓	X
Canada	✓	✓	✓	X
European Union, including its member states	✓	✓	✓	X
Hong Kong, China	✓	N/A	✓	X
Iceland			✓	X
Israel	✓	X	✓	X
Japan	✓	X	✓	X
Korea, Republic of	✓	X	✓	X
Liechtenstein			✓	X
Moldova, Republic of	✓		✓	X
Montenegro	✓		✓	X
Netherlands, with respect to Aruba	✓	N/A	✓	X
New Zealand	✓	✓	✓	X
Norway	✓		✓	X
Singapore	✓	N/A	✓	X
Switzerland	✓	✓	✓	X
Chinese Taipei	✓	✓	✓	X
Ukraine			✓	✓
United States	✓	✓	✓	✓

✓ = coverage expressly stated

X = coverage expressly excluded

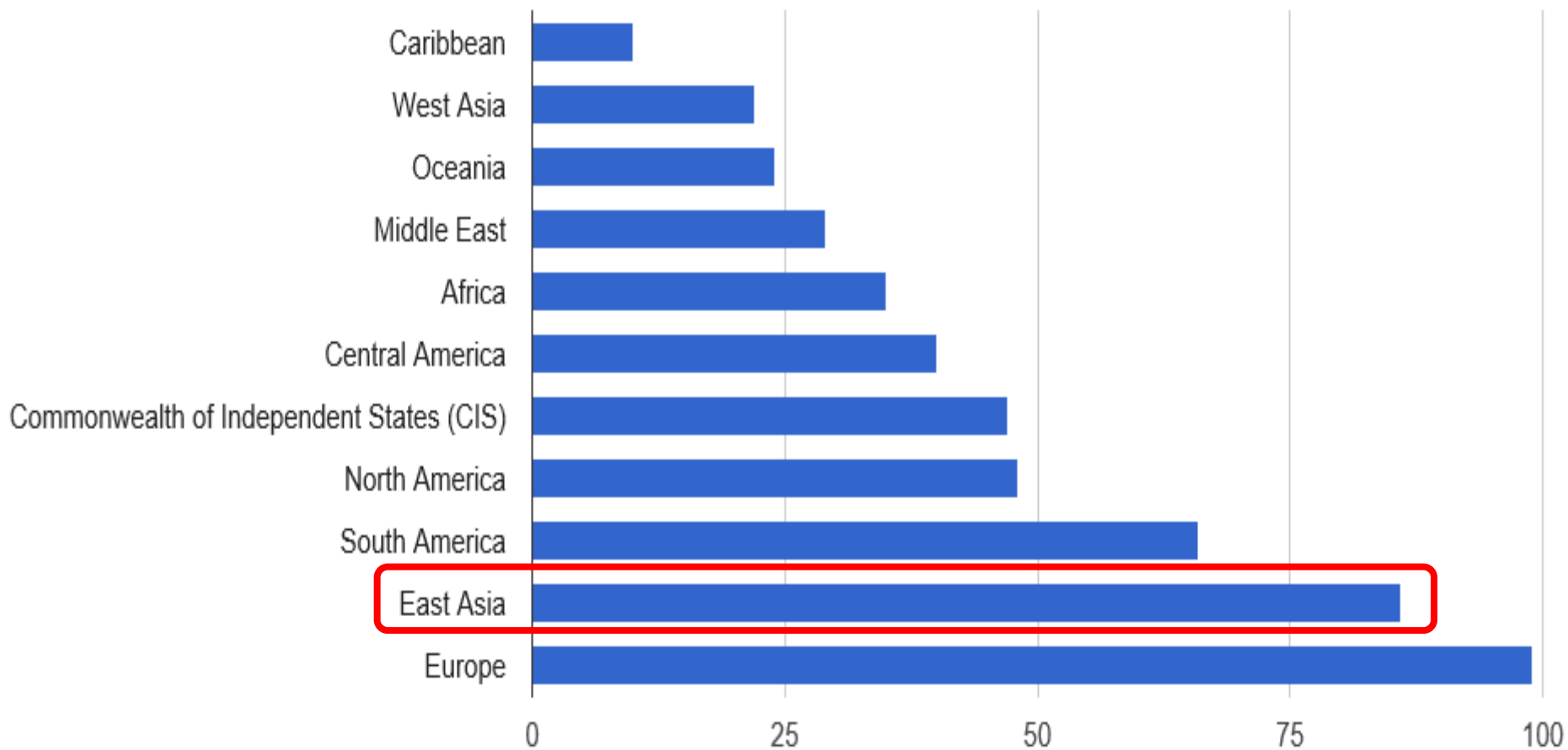


# GPA Parties and Observers



# RTAs in Force, by Region

RTAs in force, participation by region





# Selected FTAs with Provisions Affecting Public Health (2009-2019)

FTA	Date	Patentability	Patent term extension / SPCs	Compulsory licensing	Exhaustion	Test data exclusivity / Market exclusivity	Patent linkage	Enforcement	Side letters/ reaffirmation of Doha Declaration
EU-Japan	Feb-19		✓			DE: Minimum six years		✓	✓
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	Dec-18	✓	(Suspended – not in force)			(Suspended – not in force) ME: 5 years for pharmaceuticals and 8 years for biotherapeutic products	✓	✓	✓
EFTA - Philippines	Jun-18	✓							✓
Eurasian Economic Union (EAEU) - Viet Nam	Oct-16							✓	
China-Korea, Republic of	Dec-15							✓	✓
Canada - Korea, Republic of	Jan-15							✓	✓
Japan - Australia	Jan-15							✓	
Australia-Korea, Republic of	Dec-14								✓
Switzerland-China	Jul-14					DE: Minimum six years		✓	✓
Australia - Malaysia	Jan-13							✓	
EFTA-Hong Kong, China	Oct-12	✓				DE: Minimum eight years		✓	
United States-Korea, Republic of	Mar-12	✓	✓			ME: 5 years for new chemical entities, 3 years for new formulation/indication	✓	✓	✓
EU - Korea, Republic of	Jul-11		✓			DE: Minimum Five years		✓	✓
Japan-Switzerland	Sep-09		✓			DE: Minimum six years		✓	



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