

致参与《区域全面经济伙伴关系协定》（RCEP） 谈判的十六个国家政府的一封公开信

2016年10月17日

健康相关的公民社会组织呼吁贸易部长们拒绝在《区域全面经济伙伴关系协定》中加入对获得仿制药品产生负面影响的条款。

《区域全面经济伙伴关系协定》是一项自由贸易协定(FTA)，目前正在东南亚国家联盟（东盟）（文莱、缅甸、柬埔寨、印度尼西亚、老挝、马来西亚、菲律宾、新加坡、泰国、越南）的十个成员国和与东盟国家已有自由贸易协定的国家之间进行谈判，这些国家包括澳大利亚、中国、印度、日本、韩国和新西兰。

RCEP 包括了危及获得挽救生命基本药物的知识产权(IP)章节中的措施。尽管它并不包括美国，很多规定似乎却借用自《美韩自由贸易协定》和《跨太平洋伙伴关系协定》。2016年4月，遭泄露的IP章节（日期为2015年10月）证实韩国和日本力推数据独占性，一项可能推迟监管部门批准非专利保护药品的措施，以及会延长药品专利垄断时期的条款。这只会拖延可负担的仿制药进入市场，远远超过了世界贸易组织（WTO）的《与贸易有关的知识产权协议》(TRIPS)所要求的知识产权保护。

这一章节特别令人关注，印度的IP法律试图在专利持有人权利和向该国公民和发展中国家人民提供可负担药品的需要之间取得合理平衡。印度是世界最大的仿制药生产国和承担了抗逆转录病毒(ARV)仿制药80%以上的供应，用以在中低收入国家(LMIC)治疗艾滋病。随着时间的推移，其仿制药工业已使抗逆转录病毒药物成本降低了98%，极大增加了那些最需要的人对药品的可及性。如果印度被迫签署超TRIPS协定的措施，为给撒哈拉以南非洲和其他中低收入国家的世界上最贫穷人民治疗一些疾病的新基本药物的可负担仿制药的可及性，将会受到严重损害。例如马来西亚免费向其艾滋病毒阳性人群提供印度的仿制ARV。如果他们无法获得印度的仿制药，马来西亚是极不可能能够负担维持其艾滋病治疗方案。RCEP还包括有大量人口和经济压力，要确保可负担药品的可及性，如印度尼西亚、菲律宾、泰国、中国和越南。最不发达国家(LDC)成员老挝、柬埔寨和缅甸正努力提供负担得起的药品，且直到2033年豁免执行WTO对药品的知识产权保护（并有资格延长此期限，只要他们是最不发达国家）。

联合国艾滋病规划署报告，在亚洲及太平洋区域需要进行艾滋病治疗的人目前只有三分之一可获得药品。如果RCEP国家升级IP保护，这一数字极有可能会增加。

并没有理由在区域贸易协定，如RCEP中专设知识产权章节。我们呼吁所有参与谈判的政府拒绝RCEP中所有超TRIPS的措施。我们特别迫切呼吁较富裕的国家，如韩国、日本、澳大利亚和新西兰不要为威胁世界上穷人获得药品的IP条款施压。

Organisation	RCEP country
MSF Access Campaign	Global
International Grail Global Justice Network	Global
People's Health Movement	Global
Public Services International - Oceania	Regional
Asia Pacific Research Network	Regional
Public Health Association of Australia	Australia
MSF Doctors Without Borders Australia	Australia
Australian Health Promotion Association	Australia
Caritas Australia	Australia
Australian Fair Trade and Investment Network	Australia
Community and Public Sector Union/SPSF	Australia
NSW Nurses and Midwives Association	Australia
Finance Sector Union of Australia	Australia
Missionaries of the Sacred Heart Justice and Peace Centre	Australia
Pax Christi Australia	Australia
Edmund Rice Centre	Australia
Catholic Religious Australia	Australia
Grail Australia Global Justice Network	Australia
N.S.W Retired Teachers' Association	Australia
Institute of the Sisters of Mercy Australia	Australia
Conference of Leaders of Religious Institutes in NSW	Australia
Textile Clothing & Footwear Union of Australia	Australia
Combined Pensioners & Superannuants Association	Australia
Retired Unionists Network	Australia
Sutherland Shire Environment Centre	Australia
Sisters of St Joseph	Australia
De La Salle Brothers	Australia
SS Peter & Paul Catholic Parish Social Justice Group	Australia
Bandanh Chatomok National MSM and TG network	Cambodia
Cambodian People living with HIV Network- Takeo	Cambodia
Cambodian Health Committee	Cambodia
Southeast Asia Development Program (SADP)	Cambodia
Committee to Promote Women in Politics	Cambodia
Social Action for Change	Cambodia
SILAKA	Cambodia
Women's Network for Unity	Cambodia
CamASEAN Youth's Future	Cambodia
Gender and Development for Cambodia	Cambodia
Worker's Information Center	Cambodia
The Messenger Band	Cambodia
Women's Network for Unity	Cambodia
Khmer HIV/AIDS NGO Alliance	Cambodia
Rainbow Community Kampuchea	Cambodia
ARV Users Association	Cambodia
KORSANG	Cambodia
National Coalition of PLHIV in India - NCPI+	India
The Delhi Network of Positive people	India

National Coalition of People living with HIV in India	India
UPNPplus	India
MGNP+	India
Maharajganj Positive Network	India
Maharaja DLN	India
Network of Maharashtra by People Living With HIV/AIDS - NMP+	India
Indonesia AIDS Coalition	Indonesia
la via campesina indonesia	Indonesia
Pacific Asia Resource Center (PARC)	Japan
Third World Network	Malaysia
Malaysian AIDS Council	Malaysia
Malaysian Council for Tobacco Control (MCTC)	Malaysia
Pertubuhan Islah Movement	Malaysia
Positive Malaysian Treatment Access & Advocacy Group (MTAAG+)	Malaysia
Consumers Association of Penang	Malaysia
Sahabat Alam Malaysia (Friends of the Earth Malaysia)	Malaysia
Cooperative Committee of Trade Union	Myanmar
Mana Movement	New Zealand
The Mana Party	New Zealand
New Zealand Nurses Organisation	New Zealand
Public Health Association of New Zealand	New Zealand
IBON Foundation	Philippines
Social Watch Philippines	Philippines
People's Health Movement Philippines	Philippines
Knowledge Commune	South Korea
IPLEFT	South Korea
CHSC (Center for Health and Social Change)	South Korea
KFHR (Koean Federation of Medical Action Groups for Health rights)	South Korea
People's Health Movement KOREA	South Korea
Korean pharmacists for democracy society	South Korea
People's Health Institute	South Korea
Solidarity for HIV/AIDS Human Rights-NANURI+	South Korea
Trade Commission of MINBYUN-Lawyers for a Democratic Society	South Korea
Thai AIDS Treatment Action Group (TTAG)	Thailand
Thai Network of People living with HIV/AIDS (TNP+)	Thailand
Alternative Agriculture Network (AAN)	Thailand
Renal Failure Patient Group	Thailand
AIDS ACCESS Foundation	Thailand
Foundation for AIDS Rights	Thailand
Foundation for Consumers	Thailand
Rural Pharmacy Association	Thailand
Drug Study Group	Thailand
BioThai Foundation	Thailand
Ecological Alert and Recovery – Thailand (EARTH)	Thailand
Thai Holistic Health Foundation	Thailand
FTA Watch	Thailand
Foundation for Women	Thailand
Vietnam Network of People living with HIV	Vietnam

