



DRAFT CONCLUSIONS OF THE CONFERENCE PHARMACRIME

The Association for European Cooperation on Justice and Home Affairs (EUCOJUST) organised the first Pharmacrime conference in partnership with the **UK Medicines and Healthcare products Regulatory Agency (MHRA)**, the **German Judicial Custom Administration (ZKA)**, the **French Judicial Customs Administration (SNDJ)** and **Sanofi-aventis**. The conference received financial support from the Programme "Prevention of and fight against crime" of the DG Home Affairs of the European Commission and from Sanofi-aventis.

More than 130 participants (senior officials from health, enforcement, judicial authorities and experts in pharmaceutical industry) came to Brussels from all 27 EU member states (except Spain, Greece and Luxemburg) as well as from Albania, Bosnia Herzegovina, Croatia, Kosovo, Macedonia (FYROM) Switzerland, Russia, Serbia, and USA. The following international organizations also participated: EC (DG Home Affairs and DG Sanco) , Council of Europe, European Medicine Agency (EMA), Eurojust, Europol, Interpol and WCO.

During three days of the conference participants discussed issues related to best practices on investigations on counterfeit medicines. Following discussions, participants discussed and endorsed the following conclusions:

Conclusions of the conference:

1. Counterfeit and falsified medicines are a growing criminal activity and a threat to public health worldwide. Counterfeit medicines are channeled mainly through the internet (but also on cargo and freight) and increasingly through the legal supply chain;
2. Trafficking on counterfeit medicines has the highest profitability for very low investment and low risk for prosecution and punishment. Trade of counterfeit medicines is much **more profitable than trade in narcotics** such as cocaine and heroin;
3. International organized criminal networks are often behind this illicit trade and manufacturing, and therefore an effective law enforcement response needs to have a cross-border aspect which calls for **harmonized actions at national, EU and international levels**;

4. At national level, **multidisciplinary and multi sectoral approaches** are key elements for effectiveness of investigations. This calls for the involvement of Health, Customs, Police and industry under the umbrella of Justice sector;
5. National authorities should establish in one competent authorities a specialized investigation unit – or a **focal point – with enforcement capacity**;
6. At EU level, cooperation among competent authorities is very important and should be pursued including police and judicial cooperation. However it should be coupled with **harmonization of legal procedures** in order to increase effectiveness. In particular it is very important to start working on **harmonization of legal definitions**;
7. Currently the level of deterrence is insufficient, there is a need to **reinforce and harmonize sanctions at EU level**;
8. There is a crucial need to increase awareness and deliver trainings to those involved in the criminal justice system such as **prosecutors and judges**;
9. At international level, there is a need to make more use of existing international organizations such as **EUROJUST, EUROPOL and INTERPOL** to coordinate international law enforcement activities;
10. Effective investigations must include intelligence and **financial investigations** as well as **covert operations** and controlled delivery operations. Control delivery is a crucial tool available to enforcement authorities. Financial fraud investigations are often the most effective tool to prosecute criminal;
11. Authorities should **use all available legal tools** to combat the threat from counterfeit and illegal medicines: medicine legislation, criminal law, trade mark legislation, fraud, tax and money laundering legislations;
12. There is a need to encourage **information exchange** between competent authorities at national and international levels;
13. The involvement of **industrial sectors** is a key element for effectiveness of investigations and analysis of seized substances;
14. There is a need to provide **training to EU officers** involved in counterfeit investigations (Health care professionals, police, customs, regulatory authorities and the judiciary) to better understand new investigation methods and encourage harmonization of methods;
15. There is also a need to provide assistance in terms of **training to competent authorities outside the EU**. Technical assistance to third countries should focus on training , harmonization of methods, transfer of knowledge and establishment of networks of cooperation to facilitate international investigations;
16. The internet plays a major role in the distribution of counterfeit medicines. There is a need to **develop agreements with internet service providers, payment providers and domain registrars** to facilitate actions against web sites involved in the promotion and selling counterfeit medicines;

17. In parallel to robust enforcement actions, it is important to deliver **public awareness and educational campaigns** of the risk associated with obtaining medicines on line;
18. There is a need to adopt general legal frameworks to tackle counterfeit medicines in order to clarify procedures and facilitate international cooperation. In this regard it is recommended to **adopt the new Medicrime convention** of the council of Europe.

