



General Council

**LEAST DEVELOPED COUNTRY MEMBERS – OBLIGATIONS UNDER
ARTICLE 70.8 AND ARTICLE 70.9 OF THE TRIPS AGREEMENT WITH
RESPECT TO PHARMACEUTICAL PRODUCTS**

DECISION OF 30 NOVEMBER 2015¹

The General Council,

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

Conducting the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Recalling the decision of the General Council on Least Developed Country Members – Obligations Under Article 70.9 of the TRIPS Agreement With Respect to Pharmaceutical Products (WT/L/478), adopted by the General Council at its meeting of 8 July 2002;

Having regard to the request from least developed country Members, dated 23 February 2015, for a waiver from obligations under paragraph 8 of Article 70 of the TRIPS Agreement and a further extension of the waiver from obligations under paragraph 9 of Article 70 of the TRIPS Agreement with respect to pharmaceutical products (IP/C/W/605);

Noting the decision of the Council for TRIPS on the Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least Developed Country Members for Certain Obligations with Respect to Pharmaceutical Products, adopted by the Council for TRIPS at its meeting of 6 November 2015 (IP/C/73);

Recalling the decision of the Council for TRIPS on the Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least Developed Country Members for Certain Obligations with Respect to Pharmaceutical Products (IP/C/25), adopted by the Council for TRIPS at its meeting of 25-27 June 2002, pursuant to the instructions of the Ministerial Conference contained in paragraph 7 of the Declaration on the TRIPS Agreement and Public Health (WT/MIN(01)/DEC/2) (the "Declaration");

Considering that obligations under paragraphs 8 and 9 of Article 70 of the TRIPS Agreement, where applicable, should not prevent attainment of the objectives of paragraph 7 of the Declaration and the decision of the Council for TRIPS, adopted on 6 November 2015 (IP/C/73);

Noting that, in light of the foregoing, exceptional circumstances exist justifying a waiver from paragraphs 8 and 9 of Article 70 of the TRIPS Agreement with respect to pharmaceutical products in respect of least developed country Members;

¹ Adopted in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council in November 1995 (WT/L/93).

Decides as follows:

1. The obligations of least developed country Members under paragraphs 8 and 9 of Article 70 of the TRIPS Agreement shall be waived with respect to pharmaceutical products until 1 January 2033, or until such a date on which they cease to be a least developed country Member, whichever date is earlier.
 2. This waiver shall be reviewed by the Ministerial Conference not later than one year after it is granted, and thereafter annually until the waiver terminates, in accordance with the provisions of paragraph 4 of Article IX of the WTO Agreement.
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