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## Declaration of the Brescia Conference on the MEDICRIME Convention on the fight against the counterfeiting of medical products and other similar crimes

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The Council of Europe, in co-operation with the University of Brescia, organised a Conference on the *Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health* (the MEDICRIME Convention), in Brescia on 16-17 November 2023.

The aim of the Conference was threefold: to promote the MEDICRIME Convention in Italy by exploring the reasons for its ratification, to discuss the benefits and challenges of ratifying the MEDICRIME Convention, and to exchange experience and know-how and promote networking.

The participants of the Brescia Conference reaffirm the key role of the MEDICRIME Convention, opened for signature in Moscow on 28 October 2011, in guaranteeing and promoting the protection of public health by combating counterfeit medical products and other similar crimes, and its resolve to encourage international co-operation to efficiently combat the global threat posed by the counterfeiting of medical products.

Current challenges, such as the Covid-19 pandemic as well as online pharmacies, further highlight the importance of a strong and effective Convention. The work of its Committee of the Parties demonstrates the importance of monitoring the implementation of the MEDICRIME Convention, of improving States' capacity to prevent and combat counterfeit medical products and facilitating the effective use and implementation of the Convention to protect the rights of victims, patients' rights, and health product safety.

The Conference underlined the unique role of the MEDICRIME Convention as the only international criminal law instrument aimed at preventing and combating threats to public health. It establishes activities which endanger public health as criminal offences, protects victims' rights, and provides the basis for efficient national and international co-operation. It also requires the introduction of a liability regime for legal persons. Issues concerning intellectual property rights are outside the scope of this particular instrument.

The discussion about the ratification of the Convention therefore represents a great opportunity to continue to reflect, on the basis of a debate which has already produced interesting proposals in Italy, on the opportunity to update the legislation on the protection of public health.

The participants, in considering advantages and possible difficulties deriving from the ratification of the MEDICRIME Convention, underline the importance of creating the necessary legal conditions so that its ratification finds the most suitable implementation tools in the Italian legal system, in line with the Committee of Minister's suggestion at the 131st Ministerial Session (Hamburg, 21 May 2021) and, to make the actions to combat the growing threat of pharmaceutical crime even more effective, address an invitation to the competent authorities to adopt the necessary initiatives aimed at allowing the entry into force of the Convention concerning Italy.