

**To:** TOKARSKI Slawomir (GROW); [REDACTED]

**Subject:** Flash: meeting with MERCK, 3 December 2019

Meeting with representatives of the pharmaceutical a company Merck, 3 December 2019

Background: Merck is a pharmaceutical innovator (especially in the field of oncology and neurology). Merck called for this meeting to share Merck's perspectives on the main EU policy issues impacting the pharmaceutical and healthcare sectors such as the on-going review of the EU framework of IP incentives.

Merck is a German multinational pharmaceutical, chemical and life sciences company with about 56,000 employees. It was founded in 1668 and is the world's oldest operating chemical and pharmaceutical company, as well as one of the largest pharmaceutical companies in the world. This company is different from the US company known as MSD (Merck Sharp and Dohme) outside of North America, which was established in 1891 as the United States subsidiary of Merck and that was expropriated by the US government during World War I → Big trademark dispute saga: <https://www.merckgroup.com/en/company/who-we-are/legal-proceedings.html> ). Today, MSD's revenues are threefold those of Merck.

Participants :

- GROW F : Slawomir TOKARSKI (Director), [REDACTED]
- MERCK: Bruno WOHLSCHLEGEL (acting Head of Europe), Anne PAPIN DI POMPEO (Vice President, EU Government Affairs and Policy) and Hugh PULLEN (Senior Director, European Government Affairs)

Discussions :

- Industrial strategy and IP strategy:
  - o Merck intends to participate in the EU debates on industrial policy, IP protection and Health Technology Assessment (HTA) to support innovation in healthcare. Merck is also aware of the importance of a European Green Deal.
  - o DG GROW provided an general overview of the state of play of the on-going Commission work on industrial strategy and an IP strategy, and informed on the work of the 'Strategic Forum on Important Projects of Common European Interest' (which includes smart health). The recommendations of this Strategic Forum were published on 5 November (\*\*). Skills agenda and SME policy are important building blocks for an industrial strategy.
- Pharmaceutical incentives:

- DG GROW provided an overview of the on-going evaluation of the EU orphan incentives (DG SANTE) and the SPC evaluation.
- Merck would be interesting in advancing towards a unitary-SPC or a 'single grant mechanism' of SPCs. Merck is willing to meet EU MS to raise awareness about the importance of IPR. Merck argues that unmet medical needs (and other challenges related to access to medicines) cannot be fixed by [weakening] IP. They propose to work with the EFPIA's suggested approach consisting of meeting/consulting stakeholders (Multi-stakeholders Forum).
- Smart health:
  - Merck confirmed the importance of building a pan European federated patients database (\*\*\*) see summary of a workshop on smart health and health data below). Pan European health data would allow the use of artificial intelligent and bring: faster and more affordable clinical trials, easier management of the registration of medicines at the medicines agencies, and easier agreement in pricing and reimbursement of medicines procedures with EU MS. Merck stressed that EU MS should collaborate to build such database. Privacy concerns among European patients should be tackled (issue of trust).
  - GROW referred to the organisation of a hackathon on health data, and refer to Commissioner Breton's responsibility on data.

Next steps :

- Follow up after the upcoming Commission's publication of strategic documents in the area of industry, data and IP.

Best,

[Redacted signature]

(\*\*) [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_19\\_6204](https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6204)

