

# THE ASIAN AGE

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## Ayurveda future in Europe in jeopardy

SHOBHAN SINGH

MUMBAI

May 8: From May 1 this year, a law proposed in 2002 in the European Union came into effect, which would mandate a ban on all ayurvedic medicines and food supplements from outside EU that don't clear certain prescribed criteria. One of the most debilitating is that the products have to be in use for at least 30 and 15 years in the country of origin and the EU respectively. Since it came into effect, the International Ayurveda Foundation (IAF) has taken cognisance of this and is soon going to file a lawsuit against this in the EU as it will have a massive impact on the future of the ayurvedic products in the EU.

The law also makes it mandatory for the ayurvedic products to get the market authorisation, once they have been proved safe and passed the quality test of the European Medical Council. Nine years after it was proposed, the ban came into effect on May 1, 2011.

Experts believe that this law is bound to affect a lot of Indian companies and users of its products in the EU. While it may not be difficult to prove that the product has been in use for 30 years in the country of origin, it may be very difficult to prove the 15-year stipulation in the EU. Moreover, the recent products that are currently selling well in the EU will not clear the criteria and have to be withdrawn. Companies like Dabur, Himalaya, Zandu, Vicco that manufac-

**According to the law, the Ayurvedic products have to be in use for at least 30 and 15 years in the country of origin and the EU respectively**

ture a lot of ayurvedic products have surprisingly not come forward to protest this law. Praful Patel, general secretary of IAF said, "It is ironic that none of these companies have proactively offered to join me. However, I have the complete support of a lot of leading physicians of ayurveda."

The IAF of UK, Switzerland and India is an international NGO that offers polit-



ical, legal and diplomatic solutions on the issue of Globalisation of Ayurveda. "We have been working hard for seven years, especially concentrating on EU's legislation called Traditional Herbal Medicinal Products Directive (THMPD) which effectively bans ayurveda and other traditional systems of medicine in Europe. We have been pressing the Indian government to take

an initiative but to no avail. Earlier this year, we were promised that they would ask the EU to not implement this law until further bilateral negotiations take place. In that direction, the IAF also conducted an impact assessment of THMPD, which was officially accepted by India and submitted it to the EU."

The reason for the creation of THMPD goes back a few decades. An important product test case in Europe for a foodstuff "Cassis de Dijon" took place in the late 1970s. The direction of the European court was that any product legally sold in one country of the Union must be freely sold in all the others, subject to the proviso "as long as the product was safe and did not harm consumers". Most of the countries used this provision to

ban the products from other countries since their own authorities (experts) doubted the safety of such products. This created chaos amongst people, raising questions on how a product could be considered safe for one country but not for another.

Mr Patel said, "THMPD is supposed to address these problems. But the directive still does not serve the purpose of a better regulation of the traditional medicine sector, and will prevent authentic traditional medicine from other countries to be available to Europe."

"I have put the entire legal framework in place to challenge this law and file a lawsuit to take the EU to the European Luxembourg Court and also to the European human rights court at Strasbourg," he added.