



The International Ayurveda Foundation

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19 October 2009

BY SPEED POST/BY EMAIL

His Excellency Mr. Jose Manuel Barroso
President of the European Commission
1049 Brussels
Belgium
Email: jose.barroso@ec.europa.eu

Your Excellency Mr. Jose Manuel Barroso,

Please accept, Excellency, the assurances of our highest consideration.

I am writing to you on behalf of the International Ayurveda Foundation (IAF) regarding a legal challenge in the UK Courts under Article 234 EC (preliminary reference ruling) to the Traditional Herbal Medicinal Products Directive (THMPD) 2004/24 EC.

It is the opinion of the IAF Board of Directors that the THMPD violates European Community and International law and should cease to take legal effect immediately. As a result the IAF intend to initiate legal proceedings under Article 234 EC (preliminary reference ruling) in the Courts of the United Kingdom challenging the legality of the THMPD. This is in addition to a legal claim to seek financial damages against Community and UK institutions in relation to the THMPD and implementing legislation.

The IAF Board of Directors requests that the European Commission confirm in writing that there is no EC limitation period for challenging the legality of the THMPD 2004/24 EC in domestic courts under Article 234, taking into account the general nature of the act which is not notified to a specific addressee, and which, given its general nature, raises many unforeseen consequences.

This understanding is premised upon substantial jurisprudence of the European Court of Justice, including the cases of TWD C-188/92), 9 March 1994, [1994] ECR U-833, Wiljo case (C-178/93), 30 January 1997, p. 19-23, [1997] ECR I-585), Accrington Beef case (C-241/95), 12 December 1996, p. 14-16, [1996] ECR U-6699, and Eurotunnel case (C-408/95), 11 November 1997, p. 29-32, [1997] ECR I-6315.

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Thank you in advance for your assistance in this matter and we have addressed this letter to you personally because you also have the responsibility for Legal Services at the European Commission. Kindly acknowledge receipt of this letter.

With kind regards.

Yours sincerely,
PRAFUL PATEL
Director and General Secretary
International Ayurveda Foundation