

Current Development

A LEGAL ANALYSIS ON THE CURRENT TRADE STATUS OF TRADITIONAL CHINESE MEDICINAL PRODUCT IN THE E.U.—FROM THE PERSPECTIVES OF WTO LAW AND E.U. PHARMACEUTICAL LAW

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ABSTRACT

This paper is based on the investigation and research for a project—China and Europe Taking Care of Healthcare Solutions[†] and aims to discuss the trading environment of traditional Chinese medicinal product in European Union from the legal aspect including E.U. pharmaceutical law and World Trade Organization rules. It concerns the general knowledge of healthcare issues of WTO law, basic understandings of Chinese and western people concerning Traditional Chinese Medicine and market access provision of E.U. pharmaceutical law, hereinto to discuss the prospect and development difficulties and trend of TCM in E.U., and

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economic and political concerns are involved. The methodology of qualitative study is used, mainly including literature review, case study, and interview. It concludes that the E.U. law has set up standards to register traditional herbal medicinal products, yet it is very difficult for TCMP producers to reach the standards at this moment due to the lack of scientific data and references. E.U. has recognized the merit of traditional medicine; by comparing with the full acceptance of the efficacy of western conventional medicine, the writers foresee that traditional Chinese medicine will require a more general treatment in law of trade sooner or later.

KEYWORDS: *TCMP, E.U. pharmaceutical law, WTO law, trade*