



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

The Director-General

Brussels

Dear Petitioner,

Thank you for your petition under the ONE campaign concerning intellectual property rights in relation to COVID-19 vaccines.

Universal and equitable access to safe and effective diagnostics, treatments and vaccines is crucial in the fight against COVID-19. The EU has been leading the global response from the very beginning. Since its launch in April 2020, a global recovery package of EUR 38.5 billion delivered under a common "Team Europe" approach has been supporting partner countries with emergency response to humanitarian needs. Team Europe has mobilised EUR 2.2 billion in support of the COVAX Facility, the global initiative to ensure equitable and fair access to safe and effective vaccines. More information on the EU's global response to COVID-19 can be found here [https://ec.europa.eu/international-partnerships/topics/euglobal-response-covid-19\\_en](https://ec.europa.eu/international-partnerships/topics/euglobal-response-covid-19_en).

The main challenge in efforts towards universal equitable access to COVID-19 vaccines is that currently the manufacturing capacity for such vaccines is insufficient. Public-private partnerships are key to address this problem as fast as possible, together with global cooperation through mechanisms such as the COVAX Facility. Given the complexity related to the manufacture of novel products such as COVID-19 vaccines, the most efficient manner of increasing the manufacturing capacity in a short timeframe is based on a rapid transfer of technology and know-how from the vaccine developers to those that can produce them. Intellectual property is a key factor in providing a clear legal framework that enables this transfer and collaboration. Such collaboration is already taking place and should be further enhanced where possible. We are concerned that suspending intellectual property rights will not enhance such collaboration and manufacturing but, to the contrary, will slow down or even block it, to the detriment of all.

Should voluntary solutions fail or not be available, the World Trade Organisation (WTO) rules are flexible enough to address any intellectual property related issues, including through the granting of compulsory licences without the patent owner's consent. This process can be fast-tracked in emergencies such as the current pandemic, this means that no prior negotiations with the patent owner are required. Compulsory licences can also be granted for export to countries with no or insufficient manufacturing capacity. These flexibilities under WTO rules are legitimate tools to use for the countries in need, if other solutions are not forthcoming.

We need to use measures that both respond to our current needs, as well as preserve the incentives to innovate and invest in health-related research. It is not only about preparedness for future pandemics, the challenges posed by COVID-19 variants show

very clearly that constant innovation and investment are key for dealing with the current crisis. The solutions to rapidly scale up the required manufacturing and distribution of vaccines at this stage can only be delivered through a close public-private cooperation and intellectual property is a key element of this equation.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'S. WEYAND', with a long horizontal stroke extending to the right.

Sabine WEYAND