



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

The Director-General

Brussels

Dear Petitioner,

Thank you for your petition sent to Executive Vice President Dombrovskis on 22 February 2021 concerning intellectual property rights in relation to COVID-19 vaccines.

The Commission is committed to the objective of universal equitable access to vaccines and treatments against COVID-19. The EU has been leading the global response to this crisis from the very beginning. The EU has invested close to €3 billion to pre-finance the production of safe and effective vaccines, which will benefit not only the EU but also citizens across the world. 'Team Europe' is one of the leading contributors to the COVAX Facility, the global initiative to ensure equitable and fair access to safe and effective vaccines. The total 'Team Europe' pledge to COVAX is currently over €2.5 billion. The EU has exported around half of the vaccines produced in the EU – more than 270 million doses to 45 countries. Finally, the EU is in the process of setting up a vaccine sharing mechanism, the majority of which will be shared via COVAX.

We consider that the key objective at this stage in efforts towards universal equitable access to COVID-19 vaccines is increasing the global manufacturing capacity. The Commission is undertaking action to facilitate the production of COVID-19 vaccines and to allow for a ramping up of production in the shortest possible time. Public-private partnerships, in our view, are the key to address this problem. Our objective is to ensure that any adequate manufacturing capacity anywhere in the world is used for the COVID-19 vaccines production.

Intellectual property is a key factor in providing a clear legal framework that enables this transfer and collaboration. Such collaboration is already taking place. We are concerned that suspending intellectual property framework will not enhance such collaboration and manufacturing but, to the contrary, will slow down or even block it, to the detriment of all.

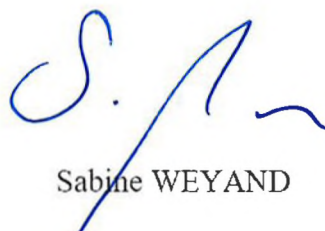
Should voluntary solutions fail or not be available, the World Trade Organisation (WTO) rules are flexible to address any intellectual property related issues, including through the granting of compulsory licences without the patent owner's consent. This process can be fast-tracked in emergencies such 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 the midst of the pandemic.

However, the Commission considers that the rules-based global trading system can and should contribute towards this goal of universal access of COVID-19 vaccines in the shortest time possible. The Commission therefore will present a proposal to the WTO focusing on three main components: first, trade facilitation and disciplines on export restrictions; second, expansion of production, including through pledges by vaccine producers and developers and; third, clarification and facilitation of TRIPS Agreement flexibilities relating to compulsory licences. We are also open to examining other options, as long as they contribute towards the objectives of expanding production and facilitating equitable access to COVID-19 vaccines and therapeutics.

This is not the last pandemic we may have to deal with. We need to use measures that respond to our current needs and preserve the incentives to innovate and invest in health-related research. The challenges posed by COVID-19 variants show very clearly that constant innovation and investment are key for dealing with the current crisis.

The EU remains committed to an open and comprehensive dialogue with all WTO Members and with the Director-General of the WTO, Dr Ngozi Okonjo-Iweala, to explore further how the multilateral rules-based trading system can best support universal and equitable access to COVID-19 vaccines and treatments.

Yours sincerely,



Sabine WEYAND