

To:

Her Excellency Ursula von der Leyen
*President of the European Commission
The Berlaymont, Brussels, Belgium*

Honourable Valdis Dombrovskis
European Commissioner for Trade

Honourable Stella Kyriakides
European Commissioner for Health & Food Safety

Honourable Bernd Lange
Chairperson of European Parliament Committee on International Trade

Honourable Pascal Canfin
Chairperson of European Parliament Committee on Environment, Public Health and Food Safety

Honourable Tomas Tobé
Chairperson of European Parliament Committee on Development

Berlin, February 26th, 2021

Subject: TRIPS-Waiver - For ethical, medical, and economic reasons

The Covid-19 pandemic can only be overcome if vaccines and other medical technologies are available and affordable worldwide. National interests and the profit motive of individual companies must not be an obstacle if the price is global suffering and enormous economic damage. Even in high-income countries like the EU member states, we are currently experiencing supply bottlenecks due to limited production capacities. In the economically weakest countries, it could even take until 2023/24 before vaccination can begin.¹ WHO Director-General Dr. Tedros Adhanom Ghebreyesus warned in this context: "The world is on the brink of a catastrophic moral failure".²

To prevent this catastrophe, the TRIPS waiver proposal is currently being discussed at the World Trade Organization (WTO). We call on the EU Commission, its president Ursula von der Leyen and the responsible European Parliament committees to support the temporary TRIPS waiver first proposed by South Africa and India on October 2nd, 2020.³

¹ Mullard, A. (2020). How COVID vaccines are being divvied up around the world. *Nature*.

² World Health Organization. (2021). WHO director-general's opening remarks at 148th session of the executive board. Retrieved February 23, 2021, from <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-148th-session-of-the-executive-board>

³ World Trade Organization. (2020). Members to continue discussion on proposal for temporary ip waiver in response to covid-19. Retrieved February 23, 2021, from https://www.wto.org/english/news_e/news20_e/trip_10dec20_e.htm

What the proposal entails

Currently, despite billions of Euros of public investment, only a few companies have control over the production of Covid-19 vaccines. Government-secured patent protection allows these companies to exclude their competitors from producing these Covid-19 vaccines. Patent monopolies are enforced globally through the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and prevent all potential manufacturers from contributing to vaccine production⁴ and further Covid-19 related health technologies.

Therefore, on October 02, 2020, South Africa and India submitted a request to "waive some provisions of the TRIPS Agreement for the prevention, containment and treatment of covid-19" (TRIPS waiver request) to the World Trade Organization. This request demands the temporary waiver of strictly enforced intellectual property rights on Covid-related technologies. This would allow existing production capacities to be utilized globally and resolves the limitations of existing legal options, such as compulsory licensing. The proposal is supported by the majority of WTO member states and international organizations such as the World Health Organization and UNITAID. In addition, numerous NGOs such as **Doctors without Borders** (link [here](#)), **Amnesty International** (link [here](#)), and the **People's Health Movement** (link [here](#)) have backed the proposal. However, the EU Commission is blocking the proposal, contrary to its declaration of global solidarity in the fight against the pandemic.⁵

The TRIPS waiver is necessary from a medical perspective

The longer the virus can spread uncontained in large parts of the world, the greater the risk that more contagious or resistant viral mutations will emerge. These would drastically complicate effective pandemic control and pose a new and incalculable risk for all countries, regardless of sufficient vaccine supply. Only a massive reduction in the incidence of infection through rapid and global immunization can prevent this and impede a prolongation of the pandemic.⁶

The TRIPS waiver is necessary from an economic perspective

According to a study commissioned by the International Chamber of Commerce (ICC), the global economy will incur costs of up to \$9.2 trillion in 2021 as a result of uneven vaccine distribution. Due to disrupted supply chains and reduced market sales, up to 49% of these losses will fall on industrialized nations.⁷ Providing global access to vaccination is thus "[...] not an act of charity, it is economic common sense," as John Denton, Secretary-General of the ICC,

⁴ Price, W. N., Rai, A. K., & Minssen, T. (2020). Knowledge transfer for large-scale vaccine manufacturing. *Science*, 369(6506).

⁵ European Commission. (2020). Coronavirus: Commission unveils EU vaccines strategy. Retrieved February 23, 2021, from https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1103

⁶ Gross, A., & Cookson, C. (2021). What we know about the most Troublesome Covid mutations. Retrieved February 23, 2021, from <https://www.ft.com/content/71e53321-3719-4f10-9406-c614a5ddc1b8>

⁷ International Chamber of Commerce. (2021). The economic case for global vaccinations - icc - international chamber of commerce. Retrieved February 23, 2021, from <https://iccwbo.org/publication/the-economic-case-for-global-vaccinations/>

⁸ Safi, M. (2021). Hoarding Covid vaccines 'could cost wealthy countries \$4.5tn'. Retrieved February 23, 2021, from <https://www.theguardian.com/world/2021/jan/25/hoarding-covid-vaccines-could-cost-wealthy-countries-45tn>

clarifies⁹. Blocking the TRIPS waiver proposal only favours the profit interests of a few pharmaceutical companies and works against an overall economic recovery.

Recommendation

On March 1st and 2nd, 2021, the TRIPS waiver request will be voted on at the WTO. Rejection of this request will extend the pandemic for an indefinite period. Supporting the TRIPS waiver request and the transfer of technology and know-how is imperative for economic, medical, and most importantly, ethical reasons.^{10 11}

Many lives are at stake.

Therefore, please use your voice to not block but support the TRIPS waiver proposal.

Yours sincerely,

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⁹ World Health Organization. (2021). Media briefing on COVID-19 [Video]. You Tube.
https://www.youtube.com/watch?t=1131&v=hK_XWQXCcLA&feature=youtu.be

¹⁰ Chinazzi, M., Davis, J. T., Dean, N. E., Mu, K., Pastore Y Piontti, A., Xiong, X., Halloran, M. E., Longini, I. M., & Vespignani, A. (2020). *Estimating the effect of cooperative versus uncooperative strategies of COVID-19 vaccine allocation: a modeling study*.

¹¹ Wouters, O. J., Shadlen, K. C., Salcher-Konrad, M., Pollard, A. J., Larson, H. J., Teerawattananon, Y., & Jit, M. (2021). Challenges in ensuring global access to COVID-19 vaccines: production, affordability, allocation, and deployment. *The Lancet*.