



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Acting Deputy Director General for Health responsible for Directorates B and C

Luxembourg
sante.ddg1.c.4(2022) 384166

Dear Madam,

I thank you for transmitting the Joint Communication sent by the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to development; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity and the Special Rapporteur on extreme poverty and human rights.

The President of the European Commission, Ursula von der Leyen, has asked me to reply on her behalf. Please convey the attached letter to the distinguished signatories of the Joint Communication. Please accept my apologies for the delayed response.

Sincerely,

John F. Ryan

Encl.

Ms Beatriz Balbin
Chief Special Procedures Branch
United Nations, Human Rights
Email: registry@ohchr.org



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Distinguished experts,

Thank you for your joint communication, addressed to the President of the European Commission, Ms Ursula von der Leyen. The President has asked me to reply on her behalf. Please accept my apologies for the delayed response.

I would like to thank you for acknowledging the efforts by the European Union to access COVID-19 vaccines, medicines, health technologies, diagnostics and health therapies. I welcome your support and willingness to cooperate in finding solutions. Let me address some of the points highlighted in your letter.

Vaccine sharing

Since the onset of this pandemic the European Union has played a central role in building the multilateral response around the rapid development, scale-up and equitable distribution of COVID-19 vaccines, therapeutics and diagnostics. Universal and fair access to COVID-19 vaccines and treatments is a top priority for the EU. The most urgent challenge is to ensure a rapid and equitable roll out of vaccines and therapeutics worldwide. The EU is firmly committed to supporting the Access to COVID-19 Tools Accelerator and COVAX, its vaccine pillar.

Team Europe – i.e. the European Union, its member states and financing institutions – has committed over EUR 5 billion to ACT-A, of which close to EUR 3.5 billion to COVAX. Team Europe is one of the strongest and most committed supporters of equitable access to vaccines. The EU exceeded the vaccine-sharing target in 2021, which was to share 250 million doses with low and middle-income countries by the end of 2021. We have collectively shared more than 405 million vaccine doses as of 25 January, of which 277 million doses have already been delivered. Of the 405 million doses, 352 million have been shared via COVAX. Over 53 million doses have been donated bilaterally to recipient countries and all have been delivered. Team Europe now aims to

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donate a total of 700 million doses by mid-2022, as announced by President von der Leyen on 6 January 2022. This includes a donation from the Commission of 200 million doses.

Commercial exports from the EU to low and lower-middle income countries, either procured by COVAX or bought at a lower price by those countries themselves, contributed further to increasing availability, with EU total exports to those countries of COVID-19 vaccines reaching over 560 million doses.

Overall, the EU is the leading exporter of COVID-19 vaccines, and it has been so since first day of production, back in November 2020. So far over 1.7 billion vaccine doses manufactured in the EU have been exported to third countries, including the dose donations from EU Member States.

The global community still needs to do much more. Vaccine inequity is driving a dangerous divergence in COVID-19 survival rates and in the global economy. We must ensure to collectively achieve the WHO vaccination targets in 2022, i.e. to vaccinate 70 percent of the global population.

Support for Health Systems and technology transfer

A key challenge remains last-mile delivery and absorption of vaccines in partner countries with weak health systems. The Commission is working closely with international partners and partner countries to enhance absorption.

Beyond the donations of vaccines, deployment is an area where we can still make more progress. As the supply of vaccines to lower-income countries is now increasing, we will need to ensure they can be absorbed and used. The WHO has identified 20-25 countries that struggle with scaling up their vaccination campaigns. These countries will now need our collective attention and support.

We take the collective responsibility of the international community seriously to boost efforts to support the production and deployment of vaccines to and in partner countries. The European Commission has committed EUR 100 million to support vaccine deployment in Africa from its humanitarian budget and will mobilise at least another EUR 75 million from the 2022 budget for vaccine deployment in the countries most in need.

Through the Team Europe Initiative on “Manufacturing and Access to Vaccines, Medicines and Health Technologies we support local production in Africa with EUR 1 billion, including technology transfer.

Trade-Related Intellectual Property Rights, temporary waiver

The EU has been very actively engaged in the ongoing discussions at the World Trade Organization (WTO) on the trade response to the COVID-19 pandemic. The EU remains committed to the objective of ensuring equitable access to COVID-19 vaccines and medicines. The EU also recalls that the identified bottlenecks - that prevent or hinder us from achieving this objective relate to access to raw materials and other inputs as well as

complex supply chains - are not related to the intellectual property framework. Indeed, this framework has proven instrumental in responding to the COVID-19 pandemic by incentivising research and innovation as well as by contributing to a stable regulatory environment where voluntary collaborations and transfer of know-how lead to the scaling up of manufacturing and supply of COVID-19 vaccines and medicines.

Given the above, the EU believes that waiving substantial parts of the WTO Agreement on the Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement"), as proposed by India and South Africa, would not help reaching the objective of the widest and timely distribution of COVID-19 vaccines. The EU advocates a comprehensive approach, which would include commitments on improved transparency, restraint from export restrictions, trade facilitating measures and intellectual property. In this respect, the EU has contributed to the discussions at the WTO with various specific proposals (see WTO doc. IP/C/W/680 IP/C/W/681).

Further to the postponement of the 12th Ministerial Conference of the WTO in December 2021, the EU has kept its active role in the discussions at the WTO. The EU remains fully engaged in promoting an ambitious and comprehensive outcome to the WTO discussions in relation to a Trade and Health Declaration with a view to improving the responses to the current and future pandemics. On intellectual property, the EU has engaged and continues to engage very actively to build a compromise – we are promoting a solution that, by clarifying or waiving certain obligations in the TRIPS Agreement, would allow the WTO Members to authorise a company to manufacture and export COVID-19 pharmaceutical products in a fast and simplified manner. It would also ensure that countries with no or insufficient manufacturing capacity do not face any obstacles or legal uncertainty when they import these products.

Sustainable Development Goals

Progress towards the Sustainable Development Goals has indeed been compromised by the pandemic in a situation where progress towards the Goals was already uneven before the onset of COVID-19. The pandemic has made achieving the 2030 Agenda and the Sustainable Development Goals even more challenging, both for the EU and globally. Nonetheless, the Goals will continue to provide a framework for all EU policies and for investing EU funds. Sustainable development is mainstreamed into our policymaking and economic coordination processes with our 27 Member States. We also re-affirmed our commitment to the health related Goals in the context of G20 under the Italian Presidency, both at the level of the G20 Health Ministers and the G20 leaders, in particular in their 'Rome Declaration' of May 2021.

Human rights and development policy

The EU has a firm political commitment to integrate human rights principles into development activities with partner countries. EU actions promote respect for and be rooted in international human rights law, including the Universal Declaration of Human Rights, and in international humanitarian law. It should be guided by the universality and indivisibility of human rights. Protecting and promoting human rights and democracy is a key priority of EU external action and one of the founding values of the European Union.

It is a pre-condition for sustainable development and for building more inclusive, open and resilient societies.

Please rest assured that ending the pandemic and improving global health security is a priority for the EU at all levels. We also stand by our commitments taken at international level, in particular at the level of the World Health Organisation, G7 and G20.

We are also actively contributing to the political discussions at global level to strengthen the global health security architecture. We are in particular convinced that a new binding international agreement on pandemic will be a game changer for better global pandemic preparedness and response.

Sincerely,

John-F. RYAN