

**From:** [REDACTED]@msf.org>  
**Sent:** mardi 24 novembre 2020 10:13  
**To:** SANTE CONSULT-C4  
**Subject:** Re: your email of 13 October 2020 concerning TRIPS  
**Attachments:** COVID\_Brief\_WTO\_WaiverProposal\_ENG\_v2\_18Nov2020.pdf;  
IP\_VoluntaryLicenses\_summary-brief\_Oct2020\_ENG.pdf;  
IP\_VoluntaryLicenses\_full-brief\_Oct2020\_ENG.pdf

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

**Categories:** Orange Category

Dear [REDACTED],

Thank you for your email and elaborate response to our letter.

Could I suggest that we schedule a call to discuss the proposed waiver and related developments more in-depth ?

From my side, a call friday afternoon would work or alternatively several slots next week.

I also kindly share with you our updated briefer on the TRIPS waiver proposal (released yesterday) and a technical briefer on MSF's experience with voluntary licensing (full report and executive summary).

best regards,



**Médecins Sans Frontières | Doctors Without Borders**

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**Sent:** Monday, November 23, 2020 7:53 PM  
**To:** [redacted] [@msf.org](mailto:[redacted]@msf.org)>  
**Cc:** [SANTE-CONSULT-C4@ec.europa.eu](mailto:SANTE-CONSULT-C4@ec.europa.eu) <[SANTE-CONSULT-C4@ec.europa.eu](mailto:SANTE-CONSULT-C4@ec.europa.eu)>  
**Subject:** Re: your email of 13 October 2020 concerning TRIPS

Dear [redacted],

Thank you for your email of 13 October 2020 to the Cabinet of Commissioner Kyriakides, in which you call for the European Commission's support for the proposal submitted by South Africa and India regarding a waiver from certain provisions under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement concerning the need for prevention, containment and treatment of COVID-19. The Cabinet has asked me to reply to you directly.

I agree with you that it is time for governments to take leadership in achieving a truly global solution that is free from all kinds of monopolies instead of relying on voluntary measures by the pharmaceutical industry. It is indeed essential that all members of the World Trade Organisation will directly benefit from true collaboration among all countries to develop, produce and supply the essential health technologies needed to respond to COVID-19.

The European Commission fully acknowledges the devastating impact of COVID-19 on people's health and well-being, freedom of movement and economic prosperity, here in Europe and globally. It is for this reason that the Commission has taken a leading role in the Global Coronavirus Response, which has

so far enabled nearly €16 billion to be pledged for universal access to tests, treatments and vaccines against coronavirus, and for the global recovery.

Let me assure you that the European Commission also fully supports the ground-breaking and innovative cooperation under the Access to COVID Tools Accelerator (ACT-A), to speed up the development and production of COVID-19 tests, treatments, and vaccines, and ensure equitable access to them. The EU Health Commissioner, Ms Stella Kyriakides, is our representative on the recently established Facilitation Council, set up to advise on and further promote the activities of the ACT-A.

In this regard, it is very important to ensure and maintain the necessary incentives to develop innovative solutions and technologies that will be crucial in overcoming the ongoing pandemic. Intellectual property plays a key role in this respect. To promote global access as well as a fair return on investment, the Commission fully supports voluntary pooling and licensing of intellectual property associated with COVID-19 diagnostics, therapeutics and vaccines. Furthermore, the Commission has published a Manifesto for EU COVID-19 research, to encourage recipients of EU funding to make research results accessible to all. Recent Horizon 2020 COVID-19 calls have also included a temporary obligation to license results on a non-exclusive basis and under fair and reasonable conditions.

I would also like to inform you that the European Union on 12 November has announced that it will contribute an additional €100 million in grant funding to support the COVAX Facility to secure access to the future COVID-19 vaccine in low and middle-income countries. The funds will complement the €400 million in guarantees the EU already committed for COVAX, making the Union one of the leading donors. With this new contribution, the EU is further stepping up investment in support of the global recovery.

In addition, we are making our voice heard in multilateral cooperation and will advocate closing the gaps in pandemic preparedness so that we are globally better prepared in the G20, the United Nations, and elsewhere.

I welcome the adoption of the Omnibus resolution on the Comprehensive and Coordinated Response to the COVID-19 Pandemic by the UN General Assembly on 11 September 2020. This resolution confirms the role of extensive immunisation against COVID-19 as a global public good for health. It is aligned with the recognition of this need in the World Health Assembly's COVID-19 Resolution, which was adopted by consensus on 18 May 2020 and on which the European Union took a leading role. More recently, on 17 September, the G20 Joint Declaration of Finance and Health Ministers on COVID-19 also acknowledged the role of widespread immunisation.

The availability of an effective and universally available vaccine against COVID-19 will surely mark the turning point in overcoming this global crisis. It is only through joint and global efforts that we will succeed, and in this spirit, I would like to thank you for your organisation's engagement and solidarity.

Yours sincerely,

[Redacted signature]



**European Commission**

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