

Geneva, 22 February 2021

To:
President of the European Commission, Ursula Von der Leyen
President of the European Council, Charles Michel

Dear President Von der Leyen,
Dear President Michel.

I write as the [REDACTED] of Médecins Sans Frontières (MSF) ahead of the European Council meeting on Thursday to ask the European Union (EU) to urgently take action to promote greater access to COVID-19 vaccines and other health technologies. MSF teams have provided treatment and care to people affected by COVID-19 and supported health care facilities in more than 60 countries, including in multiple EU Member States.

At the start of the pandemic, EU leaders set out bold aims that provided hope for a global response to fight the pandemic. President Von der Leyen, you stressed the COVID-19 vaccine would be “our universal common good.”¹ German Chancellor Angela Merkel and French President Emmanuel Macron expressed similar sentiments, calling for widespread production globally and for vaccines to be made available “without hassle with intellectual property rights,” respectively.^{2,3} Unfortunately, the EU has contradicted these ambitions, its actions at times hindering governments’ ability to fight the pandemic.

The EU’s bilateral agreement for billions of vaccine doses undermines the ACT Accelerator and COVAX Facility, mechanisms to ensure equitable access to COVID-19 medical tools, which the EU helped create and provided with the largest financial contribution to date. The EU aims to achieve herd immunity by summer 2021, but it would be indefensible to vaccinate low-risk healthy people while other countries wait to vaccinate frontline healthcare workers. Protecting people in one country should not come at the expense of people in other countries. Recent commitments by some G7 Members to share undetermined doses must urgently catalyse all EU Member States to follow suit immediately to ensure all frontline healthcare workers and high-risk groups are protected.

However, such commitments will not resolve the vast global inequity nor address the need to facilitate diverse supply and scale up production globally. The EU’s vaccines strategy aims for European production of vaccines,⁴ which currently cannot cover EU needs, let alone global demand. At the same time, the EU upholds an intellectual property (IP) regime curtailing the global production of critical medical tools, including vaccines. Currently the EU is blocking an urgently needed proposal to waive certain IP on COVID-19 health technologies. All of this creates scarcity due to an unnecessary global dependency on select manufacturers. It is self-defeating in the fight against a global pandemic, where new viral variants may undermine the effectiveness of COVID-19 vaccines.

The EU should foster a diversified global supply of the medical products all countries need in this pandemic with two immediate steps:

1. The EU and Member States should require companies and developers to openly share essential health technologies, particularly for the mRNA vaccines

Vaccines using the mRNA platform are significantly simpler to manufacture than traditional vaccines and can be produced at a low cost, and production scale-up can happen in record time. The technology also offers a short turnaround time between identification of new viruses or mutations and production of a vaccine.

Moreover, countries and companies with well-established pharmaceutical production capacity could integrate this technology to start local production of mRNA vaccines and their starting materials without prior vaccine manufacturing experience. Although some European companies are joining the manufacturing effort, no agreements have been signed to expand manufacturing beyond the EU border.

Technology transfer efforts led by the EU towards capable companies in developing countries should concentrate on mRNA vaccine candidates and their underlying platform. The platforms are suitable to be transferred, manufactured, and used in developing countries, with thermostable versions currently being developed.

2. The EU and its Member States should stop blocking the IP waiver proposal on COVID-19 health technologies

The EU has opposed a landmark temporary waiver under the World Trade Organization that would empower countries to comprehensively lift IP barriers during the pandemic to facilitate access to COVID-19 medical tools. Even when President Michel hinted at lifting patent protection on COVID-19 vaccines in the EU after facing vaccine delivery delays,⁵ the EU continued to deny other countries the ability to lift identified IP barriers.

The waiver proposal offers a critical opportunity for governments to take actions to overcome legal uncertainties and barriers that may impede production and supply of COVID-19 treatments, vaccines, diagnostics and other medical tools. Shortages of such products have been reported throughout this pandemic and underscore how production and supply are controlled and restricted by IP holders. For vaccines, the large amount of IP attached to the mRNA platform technologies and the raw materials present legal uncertainties that inhibit efforts to increase production and supply. Given the anticipated delay in reaching global access to effective vaccines, improving countries' ability to address IP issues on all COVID-19 technologies, such as protective equipment, diagnostics and potential treatments, is essential.

The EU has the ability to help bring this pandemic to an end. We count on the EU to take the necessary steps to unleash this potential to support countries in successfully defeating this pandemic.

Sincerely,



Médecins Sans Frontières

¹ European Commission. Von der Leyen announces Global Response and calls for united world front against coronavirus. Press release. 2020 Apr 24. https://ec.europa.eu/commission/presscorner/detail/en/acc_20_749

² Pressestatement von Bundeskanzlerin Merkel im Rahmen der WHO-Spenden-Videokonferenz. Press release. 2020 Apr 24. <https://www.bundeskanzlerin.de/bkin-de/aktuelles/pressestatement-von-bundeskanzlerin-merkel-im-rahmen-der-who-spenden-videokonferenz-1746960>

³ Boisbouvier C. Emmanuel Macron sur RFI: "Nous devons la solidarité à l'Afrique" face au coronavirus. Rfi. 2020 Apr 15. <https://www.rfi.fr/fr/podcasts/20200415-emmanuel-macron-rfi-afrique-raoult-coronavirus-covid-dette>

⁴ European Commission Communication. *EU Strategy For COVID-19 Vaccines* COM/2020/245; European Commission Communication. *A United Front To Beat COVID-19*, COM(2021) 35 Final.

⁵ Herszenhorn. D.M. Charles Michel says EU could invoke 'urgent measures' in response to vaccine shortfall. Politico. 2021 Jan 28. <https://www.politico.eu/article/charles-michel-says-eu-could-invoke-urgent-measures-response-coronavirus-vaccine-shortfall/>