EUROPEAN COMMISSION

Ursula von der Leyen
The President

Brussels, 20 AVR. 2021
Ares (2021) 1409308

Dear [redacted],

I would like to thank you for your letter in which you raise very important topics, on which you call on the European Union to take action. Let me tackle them topic by topic.

Through its EU Strategy for COVID-19 vaccines[1], *the Commission has secured access for EU Member States to vaccines as soon as they become available, at the same time and under the same conditions. In total, 2.6 billion doses have been secured*[2], *which is sufficient to offer a full vaccination cycle of two doses for the entire EU population and to support partner countries in Europe and beyond. With four vaccines having been authorised for the EU market so far (BioNTech/Pfizer, Moderna, AstraZeneca and Johnson & Johnson), vaccination is ongoing in the EU Member States with a focus on the priority groups defined by each Member State, such as health professionals, older persons and individuals with underlying conditions.*

At the same time, Team Europe is one of the lead contributors to COVAX with a financing contribution of over EUR 2.2 billion, including the Commission's contribution that recently doubled to EUR 1 billion.

Vaccine developers are expanding production of COVID-19 vaccines both in the EU and globally, including through manufacturing agreements and technology transfers to third countries. However, insufficient production capacity of COVID-19 vaccines, together with other structural challenges impede nearly 2 billion people globally from accessing these essential medicines. The Commission therefore supports the strengthening over time of pharmaceutical systems and the scaling up of local manufacturing of health products in low and middle-income countries (LMICs). This is a collaborative, multi-stakeholder effort, and the EU is ready to cooperate with leaders from partner countries and companies beyond the EU borders. Likewise, the development of new vaccines globally requires an effective enabling environment. Creating that environment involves, inter alia, offering support for medical innovation and technology transfer, enhancing governance mechanisms, regulatory frameworks and upgrading skills of the workforce.

./..

---

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1597339415327&uri=CELEX%3A52020DC0245
[2] https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/overview-commissions-response_en#securing-safe-and-effective-vaccines-for-europe-and-the-world

[redacted]
Médecins Sans Frontières

E-mail: [redacted]@msf.org

The ribonucleic acid (RNA) technology may be, at this stage, only suitable for countries and companies with well-established pharmaceutical production capacity. Public-private cooperation to increase the availability of vaccines should be based, in any case, on voluntary, mutually agreed solutions, and respect as much as possible technology neutrality.

Given their technically complex nature, facilitating and actively promoting broad industry co-operation on a voluntary basis is the best way to increase the availability of safe and effective vaccines, both in the short and long-term. The Commission, via a newly established Task Force[3], is engaging with Member States and companies to explore all avenues to ramp up production capacity in the EU, including by identifying and addressing bottlenecks and bringing in new manufacturers and is ready to facilitate technology transfers, where needed. Since the EU vaccine production is critical for the global supply and delivery of vaccines to our partners, especially through COVAX, the benefits of this initiative will extend beyond the EU's borders. As you know, the EU has invested in the development and production of COVID-19 vaccines in Europe, but has not demanded to supply only or by priority the EU.

Unlike voluntary licensing and manufacturing agreements, resorting to intellectual property flexibilities, such as compulsory licensing, as such does not guarantee the transfer of all relevant know how and technologies. Using this measure could also dis-incentivise the ongoing production efforts and impede the EU's future access to vaccines updated to new variants. Compulsory licensing thus remains a last-resort tool for when all other efforts to make intellectual property available have failed.

As regards the waiver from certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS') in relation to COVID-19, the Commission considers that waiving intellectual property rights, as proposed in the World Trade Organization (WTO), would not help but rather hinder the efforts to ensure the widest distribution of COVID-19 vaccines. The main challenge now is the lack of vaccine manufacturing capacity. We consider that the solutions to rapidly scale up the required manufacturing and distribution of vaccines at this stage can only be delivered through close public-private cooperation and intellectual property is a key element of this equation. At the WTO General Council on 1-2 March 2021, the EU expressed readiness to facilitate dialogue between the vaccine developers and companies with pharmaceutical production facilities worldwide in order to ramp up the global production of vaccines and their delivery worldwide. The EU is ready to work together with the WTO Director General, Dr Ngozi Okonjo-Iweala, and other WTO members to achieve this objective.

New variants of COVID-19 remain a real threat and this is not the last pandemic with which we may have to deal. We need to find measures that both respond to the current needs in the EU and worldwide, as well as preserve the incentives to innovate and invest in health-related research.

Yours faithfully,

Ursula von der Leyen

---

[3] https://ec.europa.eu/info/sites/info/files/communication-hera-incubator-anticipating-threat-covid-19-variants_en.pdf