

# **Open letter to EU governments and institutions: Stop blocking the scale-up of vaccines and put health over profit**

[DATE]

To:

His Excellency Josep Borrell Fontelle, High representative/vice-president of the European Union

Her Excellency Ursula von der Leyen, President of the European Commission

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

Honourable Manfred Weber, President of EPP in the European Parliament

Honourable Iratxe García Pérez, President of S&D in the European Parliament

Honourable Dacian Cioloș, President of Renew Europe in the European Parliament

Honourable Manon Aubry and Martin Schirdewan, co-presidents of the Left GUE in the European Parliament

Honourables Ska Keller and Philippe Lamberts, co-presidents of Greens/EFA in the in the European Parliament

On April 7, World Health Day, we, a broad coalition of civil society organisations across Europe urgently call on our governments and EU institutions to implement a COVID-19 response based on global solidarity and to act to **ensure that COVID-19 vaccines and medical products are available to everyone, everywhere in the world.** The production of these must be scaled up as quickly as possible. To make this a reality, **intellectual property rights (IPR) must be temporarily suspended**, and production technology and **know-how must be shared widely.** We must act now so the pandemic will not go into history as a moral failure by rich countries at the detriment of vulnerable lives across the world.

More than one year since the beginning of the COVID-19 pandemic, Europe continues to struggle with its response to the spread of the virus. Not only has the pandemic already taken lives across the continent, 860 892\*, it has also brought **incredible stress to health workers** and health systems. In fact, the pandemic has very accurately pointed out the key weaknesses of our health systems. After years of sustained cuts in public services and policies based on austerity, health systems were caught unprepared for a pandemic of this extent and only continue standing thanks to the dedication of the people working in health care institutions.

One would hope that under exceptional circumstances like a global pandemic, the profit logic would no longer prevail over the lives and livelihoods of people. Indeed, at the beginning of the pandemic claims were made in this direction. Many officials, including Ursula Von Der Leyen, have assured us that the COVID-19 vaccine should - and would - be treated by the EU as a **global public good**. During this time, EU and Member State officials led us to believe that the pandemic response would be fueled by global mechanisms such as the ACT Accelerator, which would enable countries to access necessary products independently of their income.

Contrary to these early promises, we now bear witness to the extreme vaccine nationalism championed by many countries in the West. High income countries (HIC) have hoarded 53% of available vaccines while representing only 14% of the global population, disregarding the needs of others. The amount that European countries have pledged to COVAX, the WHO-led mechanism to secure vaccines for low and middle income countries, although very welcome, is not nearly enough to make equitable access a reality. According to the Economist Intelligence Unit, **'in developing countries, widespread vaccination coverage will not be achieved before 2023, if it happens at all'**.

Not only did global solidarity mechanisms remain mostly dead letters on paper due to insufficient funds and vaccine nationalism, but equitable distribution of vaccines has been hampered by HIC in the World Trade Organisation. The United Kingdom, Norway, the US and the **European Union remain among the few countries blocking a proposal** to waive aspects of the TRIPS agreement\*\* submitted by India and South Africa in October 2020. The proposal would allow countries to choose to neither grant nor enforce patents and other intellectual property rights (PR) related to all COVID-19 products such as drugs, vaccines, masks and ventilators, for the duration of the pandemic. This would provide for the legal space to collaborate in R&D, manufacturing, scaling up, and distributing COVID-19 solutions, such as vaccines.

A temporary suspension of PR is the only way to scale up production and widen access quickly. Relying on tools such as compulsory licenses, for which the EU advocates in the WTO, cannot achieve the same result. From experience, we know that the introduction of such licenses can take years, and we have to wonder about their implementability in this context, given that on previous occasions the EU has heavily criticised other countries for relying on compulsory licenses.

Finally, not only do we need to temporarily waive these PR, we also need our governments to demand that knowledge about the production of COVID-19 vaccines is shared by manufacturers. A pandemic is no time for industrial secrecy. The EU has the moral imperative to take action in line with what its population is demanding: recent surveys have shown that on average 69% of the population of western countries believe that governments should ensure vaccine science and know-how is shared with qualified manufacturers around the world.\*\*\*

The EU did massive investments in research and development and production of vaccines accelerating the availability of new vaccines in unprecedented circumstances. Despite this, we have seen that European institutions did not put any conditions on these investments given to Big Pharma: they signed **untransparent agreements**, not retaining any control over for whom these publicly funded goods would be available, at what price and when but very profitable for the pharmaceutical companies.

That is why this World Health Day we support the **European Citizens' Initiative Right to Cure** addressing all of the above concerns through its concrete demands to the European Commission. COVID-19 has become a huge lucrative business and comes at a great cost to

our health and people's lives globally. EU institutions and the governments of European countries have to take responsibility now and reshape their response to the COVID-19 pandemic, ensuring that vaccines are available to everyone and that the interest of pharmaceutical companies is not put before people's health. The only effective response to the COVID-19 pandemic is one of global scale, based on global solidarity.

The European Citizens' Initiative can be signed here [www.noprofitonpandemic.eu](http://www.noprofitonpandemic.eu)

Yours sincerely,

Name of all organisations/individuals supporting

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\*Drawing on data from [OurWorldInData](https://www.bloombergenvironment.com/graphics/2020-coronavirus-cases-world-map/), Bloomberg and represent the number for the whole of Europe, the data are consulted on March 16 2021 available at <https://www.bloombergenvironment.com/graphics/2020-coronavirus-cases-world-map/> and <https://ourworldindata.org/covid-vaccinations>

\*\*The waiver is demanding a temporary derogation, and falls within the legal framework of the WTO\* agreements which allows for derogations in the case of exceptional circumstances to which the current pandemic largely falls under. Article IX 3 and 4 of the Marrakesh Agreement Establishing the WTO ([WTO Agreement](https://www.wto.org/)), affirm that in exceptional circumstances, a waiver from certain obligations under WTO treaties, such as TRIPS, can be decided at the WTO Ministerial Conference (during the interval of the Conferences, the WTO General Council would perform this function). The waiver needs to contain a justification based on the exceptional circumstances, the conditions and the time when the waiver terminates. Waivers longer than one year will be reviewed by the Ministerial Conference annually until its termination.

\*\*\*The YouGov poll results for the individual countries were: US – 69 per cent, France - 63 per cent, Germany 70 per cent and the UK 74 per cent, which gives a combined average across the countries of 69 per cent. All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 1,351 adults in the US, 1788 adults in the UK, 1010 adults in France and 2039 adults in Germany. Fieldwork was undertaken between 23 – 26 February 2021. The survey was carried out online. The figures have been weighted and are representative of all adults (aged 18+) in each individual country of the US, UK, France and Germany.