**EU, UK, Switzerland, Norway must stop blocking negotiations on landmark pandemic monopoly waiver**

**Just-released EU counter-proposal is weak and a mere attempt to derail the will of more than 100 countries**

*Geneva, 7 June 2021* – Ahead of the next World Trade Organization (WTO) meeting on the landmark pandemic monopoly waiver proposal — the ‘TRIPS waiver’ — the international humanitarian organisation Doctors Without Borders (MSF) denounced the European Union (EU) and countries including the UK, Switzerland and Norway for employing delay tactics instead of agreeing to start formal negotiations on this critical waiver at a time when COVID-19 has already killed more than 3.5 million people across the globe and there are stark inequities in access to COVID-19 medical tools. One month ago, the US signaled its support for the waiver in a groundbreaking move. On 4 June, the EU published a counter-proposal focusing on ‘compulsory licensing’, which brings nothing significantly new to the table and instead is merely a maneuver to stall the waiver negotiation process.

If adopted, the waiver would provide countries with a critical policy space to address intellectual property (IP) barriers to increase collaboration in research and development, manufacturing, scale-up, and supply of COVID-19 medicines, vaccines and other health technologies. Waiving monopolies would help level the playing field in this pandemic and ensure access to critically important COVID-19 medical tools for everyone who needs them, regardless of where they live.

“In the last few months, we all helplessly witnessed how healthcare workers in countries like India, Peru and Brazil struggled to provide care for people with COVID-19,” said Dr Maria Guevara, MSF's International Medical Secretary. “Their healthcare systems were on the verge of collapsing and it was very challenging to provide any supportive therapies to critically ill COVID-19 patients in hospitals, as the oxygen concentrators, ventilators and medicines remain in short supply. In addition to vaccines, the world urgently needs access to newer therapeutics and diagnostics to reduce the number of hospitalisations and deaths in this pandemic. Governments must do everything in their power to make sure that every country has the best chance to save as many lives as possible throughout this pandemic.”

The governments co-sponsoring the waiver proposal recently submitted [a revised proposal](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669R1.pdf&Open=True%22%20\) to the WTO outlining its scope and duration, with the objective of progressing to formal text-based negotiations. An increasing number of countries (63 as of today) are co-sponsoring the waiver and more than 100 nations, and more recently the BRICS bloc, have come out in support and welcome the waiver overall. Brazil, however, remains reluctant to declare full support for the waiver proposal, defining its position as "open for discussion," but at the same time pushing for a longer negotiation timeline.

Following the 5 May US announcement supporting the proposal and expressing willingness to engage in formal text-based negotiations, many more countries have shown an interest in moving forward with the discussions. However, the EU has so far refused to engage in productive discussions on the proposal and continues to instead rally for voluntary measures by pharmaceutical corporations, which so far have shown limited success. The EU has also been insisting that countries resort to using an existing public health measure — ‘compulsory licensing’ to override patents product by product — to facilitate production of individual COVID-19 medical tools, rather than a waiver that addresses all IP barriers up front.

While MSF has long advocated for the use of compulsory licensing as needed to ensure countries benefit from the price-lowering effect of competition among generic producers to increase access to essential medicines, this route is not efficient during pandemic conditions: legal obstacles, pressure from pharmaceutical corporations and red tape make it too cumbersome, slow and complicated to address pandemic-level challenges. The proposed TRIPS waiver would provide countries with an effective and expeditious way to remove key IP barriers in advance, rather than wait for barriers to hit and then scramble into action.

“The EU’s continued insistence on the use of compulsory licensing in its counter-proposal as an excuse for opposing the original ‘TRIPS waiver’ is disingenuous and endangers public health globally,” said Dimitri Eynikel, EU Policy Advisor for MSF's Access Campaign. “By focusing just on compulsory licensing, the EU is promoting a safeguard that can only bypass patents but not all IP barriers, thereby making it less effective than the proposed waiver. In this raging pandemic, countries need to have all options at their disposal to encourage the manufacturing of COVID-19 medical tools across the world. The EU and other nations opposing this waiver need to stop blocking other countries’ efforts to protect their populations in a public health emergency.”

Meanwhile, many members of the European Parliament are making efforts to garner support for the waiver proposal. Last month, the European Parliament adopted a resolution on ending the HIV/AIDS epidemic by 2030, wherein a clear call was made to support the TRIPS waiver proposal. The European Parliament is expected to vote on a specific resolution in support of the waiver proposal between 7 and 10 June. A number of countries that continue to resist the waiver proposal are also part of the Group of 7 (G-7), whose heads of state are meeting at a summit next week. G-7 leaders should, at this critical moment in a pandemic, take concrete steps to show global solidarity and support this important waiver from monopolies to facilitate access to COVID-19 medical tools.

“With new and more transmissible variants of the virus emerging in many countries, we cannot afford to delay the adoption of this waiver and other strategies needed to expedite a global solution for production scale-up and diversification of supply, so that COVID-19 medical tools are accessible and affordable for everyone,” said Guevara.

***Editor’s note:***

For more information, please see:

* MSF Briefing Document: [Compulsory licenses, the TRIPS waiver and access to COVID-19 medical technologies](https://msfaccess.org/compulsory-licenses-trips-waiver-and-access-covid-19-medical-technologies)
* MSF Technical Brief: [Analysis of EU position on compulsory licensing and TRIPS waiver in the COVID-19 pandemic](https://msfaccess.org/analysis-eu-position-compulsory-licensing-and-trips-waiver-covid-19-pandemic)
* MSF Briefing Document: [Proposal for a TRIPS waiver for COVID-19](https://msfaccess.org/sites/default/files/2021-05/COVID_TechBrief_MSF_AC_IP_TRIPSWaiverQ%26A_ENG_27May2021-2.pdf)