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cc. Cyprus Presidency, Council of the European Union  
cc Committee on Public Health, European Parliament

**Subject: Call on the European Union (EU) to Stop Obstructing Equity in PABS Negotiations**

We, the undersigned national, regional and international civil society organisations, are writing to urge the EU to reconsider its positions in the ongoing World Health Organization (WHO) negotiations for an Annex to WHO Pandemic Agreement (PA) on the Pathogen Access and Benefit Sharing (PABS) System.

We strongly contend that the EU's positions are undermining global public health, heightening biosecurity risks, and systematically obstructing realization of the equity objectives that lie at the heart of the Pandemic Accord (PA). They are a threat to Europe's own biosecurity, diplomatic standing and long-term interests.

A functional PABS system must be built on legal certainty, accountability, fairness, and equity — yet the EU's stances erode each of these foundations, rendering the system unaccountable and exploitative rather than equitable and accountable. **Some of EU's troubling indefensible positions includes:**

**1. Opposition to Standard Access and Benefit Sharing (ABS) Contracts:** Standard contracts are the core mechanism in any functional ABS regime linking access, utilization and benefit sharing. They are a prerequisite for ensuring “terms and conditions on access and benefit sharing that provide legal certainty” as required by Article 12 of the PA.

EU Regulation No. 511/2014 implementing the Nagoya Protocol on ABS recognizes “contractual arrangements” as necessary to set out specific conditions for utilization of the shared resources including fair and equitable benefit sharing. European research institutions such as the European Molecular Biology Laboratory (EMBL)<sup>1</sup> also routinely share materials and related data using standard contracts known as “material transfer agreement” (MTAs). WHO's Pandemic Influenza Preparedness (PIP) Framework has a functioning ABS system for sharing influenza viruses of pandemic potential and benefit sharing on an equal footing, built on Member State negotiated standard MTAs applicable to all recipients of materials.

EU claims that such an approach cannot function for PABS because it involves multiple pathogens or may discourage academic research is disingenuous, conveniently overlooking the experience of multilateral ABS system of the Plant Treaty, where standard contracts covering 64 crops are widely used by public research institutions.

**2. Opposition to User Registration and Data Access Agreement for Sequence Information:** The EU is vehemently opposed to requiring user registration and Data Access Agreements (DAAs) as conditions for databases hosting PABS sequence information — a position that fatally undermines any accountable benefit-sharing system. Without knowing who is accessing pathogen sequence information and securing

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<sup>1</sup> See [an example](#) of EMBL MTA.

upfront commitments to comply with PABS obligations, benefit-sharing essentially becomes voluntary, enabling users to exploit genetic resources while evading ABS rules entirely — what amounts to digital biopiracy.

This position is both legally inconsistent with international law and factually hypocritical. Under the Convention on Biological Diversity (CBD) and Nagoya Protocol, countries have sovereign rights to set conditions on the use of their biological resources, including derived sequence information.<sup>2</sup> The European Commission's own guidance on Regulation No. 511/2014 recognizes this right explicitly.<sup>3</sup>

More tellingly, EU member states themselves regularly submit pathogen sequences to databases — such as GISAID — that require user registration and DAAs, directly contradicting the EU's negotiating stance. In fact, Germany is a major supporter of that model, even defending it as an open access model in communication with WHO.<sup>4</sup> The EU,<sup>5</sup> IFPMA, CEPI have all publicly supported that sequence database with user registration and data access agreement, clear evidence that a sequence database requiring user registration and DAA supports R&D.<sup>6</sup> And yet in PABS negotiation, the EU puts forward nonsensical arguments, opposing application of the same model to the PABS system.

The EU's argument that such requirements undermines "open access" and "interoperability" is frivolous. User registration and attaching terms and conditions to the use of data in itself does not affect openness of access, more so even when such registration and terms aim at promoting lawful and equity purposes such as biosecurity and benefit sharing. The UNESCO Recommendation on Open Science (2021), alongside EU's own regulations<sup>7</sup>, affirm that greater openness to data must be accompanied by greater responsibility and accountability. Similarly “not having user registration” is not an essential feature of interoperability. Platforms such as the European Genome-Phenome Archive demonstrate that interoperable data infrastructures can operate with user authentication and data access agreements. **Interoperability concerns how systems exchange and understand data, not whether users remain anonymous.**

**By opposing user registration and DAAs, the EU is not defending open science; it is encouraging biopiracy and forcing developing countries to surrender rights guaranteed to them under international law.**

EU's position also significantly increases biosecurity risks as highlighted in a letter sent to Member States by scientific organisations, and civil society organisations involved in biodiversity and biosafety dated 10 February 2026 titled “BIOSECURITY Issues IN THE PABS NEGOTIATIONS”.<sup>8</sup>

**3. Delinking Access from Benefit-Sharing & Advocating Benefits Only at the End of the Value Chain and only for Pandemic Emergencies:** EU has also consistently sought to delink access from benefit-sharing — subverting the foundational principle of any credible ABS regime. Its position proposes

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<sup>2</sup> Article 15 Paragraphs 1 and 4 of Convention and Article 6 of the Nagoya Protocol read with [Decision 16/2](#) on Digital Sequence Information on Genetic Resources, make it clear access to and use of genetic resources as well as sequence information can be subjected to national legislations.

<sup>3</sup> [Paragraph 2.3.5](#) of the Guidance document on the scope of application and core obligations of Regulation (EU) No 511/2014 of the European Parliament and of the Council reads thus: “*the use or publication of such data might be covered by conditions set in the mutually agreed terms, which should be respected. In particular, those who accessed the genetic resources and obtain sequence data from them should respect the conditions of the agreement entered into, and inform subsequent actors about any rights and obligations attached to the data obtained and related to any further uses of it.*”

<sup>4</sup> See a [collection of Germany's Statements defending GISAID](#), including in World Health Assembly Sessions. “GISAID satisfies all the conditions of the Definition of an Open Access Contribution stated in the Berlin Declaration” asserts Germany in PIP Advisory Group Meeting held on 13th October 2015.

<sup>5</sup> Among the 27 European Member States, the average nation [shares ~90% of their sequence data](#) exclusively via GISAID.

<sup>6</sup> See the testimonials from CEPI, IFPMA and [other entities here](#).

<sup>7</sup> [Regulation \(EU\) 2025/327](#) of The European Parliament and of The Council of 11 February 2025 on the European Health Data Space and amending Directive 2011/24/EU and Regulation (EU) 2024/2847; [Regulation \(EU\) 2018/1807](#) of The European Parliament and of The Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union;

<sup>8</sup> The letter is [available in this link](#).

that no benefit-sharing obligations should automatically attach to access of pathogens or sequence information, and that participating manufacturers may voluntarily negotiate benefit-sharing contracts with WHO. This effectively exempts the vast majority of recipients from any mandatory obligations, rendering the benefit sharing aspect of the PABS system toothless.

The EU has specifically rejected developing country proposals for mandatory monetary benefit-sharing when recipients generate revenue, and for guaranteed set-asides of vaccines, therapeutics, and diagnostics (VTDs) during outbreaks and Public Health Emergencies of International Concern (PHEICs). Instead, the EU favours presenting a vague menu of options that offers no concrete worthwhile benefits.

These positions of the EU are egregious, as they are fundamentally incompatible with the principles and objectives of the CBD and Nagoya Protocol, and inconsistent with how EU members themselves approach access and benefit-sharing domestically. Moreover, throughout the Pandemic Accord negotiations, the EU repeatedly and forcefully stressed the importance of pandemic prevention, but in the PABS negotiations, it rejects the very mechanisms needed for pandemic prevention.

**4. Opposition to Accountability, Transparency Mechanisms:** Throughout the PABS negotiations, the EU has systematically opposed measures that would enhance transparency and accountability across the system although it is the mandate given by Article 12 of the PA. It has resisted holding WHO-designated laboratories and WHO-recognised sequence databases accountable through contracts, opposed user registration and DAAs that would make databases transparent and accountable to WHO regarding who accesses pathogen data, and refused to hold users of sequence information to any meaningful obligations. Taken together, these positions construct a system deliberately shielded from oversight at every level — from laboratories, to databases, to end users.

The EU has equally opposed the establishment of a WHO-recognised database that would ensure non-discriminatory and responsible access to pathogen sequence data, and has blocked any assessment on it — foreclosing solution-oriented dialogue before it can begin.

This pattern is particularly indefensible given that accountability and transparency are principles the EU claims to vigorously champion. Defending an opaque laboratory and database ecosystem while simultaneously claiming to support effective pandemic preparedness and response, is a fundamental contradiction. Without accountable infrastructure, the entire PABS system disproportionately disadvantages developing countries and undermines the collective biosecurity the EU claims to prioritise.

**In conclusion:** EU's unreasonable intransigent positions, built on back-pedaling on commitments in Article 12 of the PA, risk producing an exploitative unbalanced PABS system, one that is ultimately self-defeating, and against the EU's own long-term interests.

An inequitable PABS system will discourage or delay pathogen sharing by countries that see no meaningful return for their cooperation. And a PABS system that is structurally inconsistent with the objectives of the CBD and Nagoya Protocol will also generate profound legal uncertainty for its users.

The reputational consequences are equally serious. At a moment when the EU is competing for credibility and partnership across the Global South through initiatives like the Global Gateway, being seen as the principal architect of an exploitative global health system, one that extracts pathogen resources while severely limiting/blocking accountability mechanisms and binding benefit-sharing obligations will inflict lasting diplomatic damage.

**We therefore call on the EU to fundamentally reassess its negotiating positions, to show goodwill and solidarity with positions of the Global South, as set out in submissions by the Africa Group and the Group for Equity plus Egypt, Libya, Somalia and Sudan, representing more than 80 countries and around 75% of the world's population<sup>9</sup> and to engage in good faith in negotiations toward a PABS system that is genuinely equitable, accountable, and fit for the challenges that lie ahead.**

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<sup>9</sup> [Group for Equity & Africa Group+ combined: Data Access Agreement \(2 December 2025\)](#); [Group for Equity & Africa Group+ combined: PABS material and sequence information agreement 1 \(2 December 2025\)](#); [Group for Equity & Africa Group+ combined: PABS material and sequence information agreement 2 \(2 December 2025\)](#)