

February 5, 2021

Mr. Thomas Wiersing

Ambassador

Delegation of the European Union to the Philippines

30/F Tower 2, RCBC Plaza, 6819 Ayala Avenue

Makati City 1200

RE: TRIPS Waiver Proposal at the WTO

Dear Mr. Ambassador:

Greetings of Peace in these difficult times.

We write to you as health advocates, international trade activists, labor unions, healthcare workers, and activists working on social justice with regard to the proposal before the World Trade Organization (WTO) that seeks a time-bound waiver of the TRIPS Agreement with respect to COVID-19 medical products and technologies.¹

At the end of the last century, intellectual property monopolies on HIV treatments led to a scandalous situation whereby people living with HIV in Africa, Latin America, and Asia were able to get access to life saving antiretroviral therapy **ten (10) years** later with regard to those living with HIV in the US, European Union, Switzerland, UK, and Japan. This led to millions of unnecessary deaths between the late 1990s and mid-2000s,

During this pandemic, we again witness how the structural inequality in global health has resulted in the ongoing struggle for timely access to COVID-19 medicines, vaccines, and other medical devices in developing countries, yet again due to the restrictive approach to intellectual property with respect to these products.

The TRIPS Waiver Proposal comes at this critical moment in the pandemic, as it envisages a time-bound and complementary policy space within the WTO framework that could empower governments to move faster to address IP challenges on production, supply, and access to COVID-19 medicines and other technologies. The proposal mitigates the obvious limitations of some of the existing legal options that require a product-by-product approach, and instead allow a clearer and more consistent direction during this public health emergency, thus preventing monopolies that would delay access to COVID-19 vaccines, drugs, and other medical supplies.

Over 100 countries have welcomed or supported the proposal in some form. Nearly 400 civil society organizations globally² and international organizations such as the World Health Organization, UNAIDS, UNITAID, human rights experts, the African Commission on Human and Peoples' Rights³ have urged the European Union and other governments to support the waiver proposal as a matter of urgency.

¹ [WTO Doc. IP/C/W/669](#), co-sponsored by Bolivia, Egypt, Eswatini, India, Kenya, Mozambique, Mongolia, Pakistan, South Africa, Venezuela and Zimbabwe.

² https://www.twn.my/announcement/signonletter/CSOLetter_SupportingWaiverFinal.pdf

³ https://www.twn.my/title2/intellectual_property/trips_waiver_proposal.htm

There is an urgent need to expand and diversify supply options and engage manufacturers from across the world in ramping up vaccine production. For this to happen, intellectual property barriers must be removed, if only temporarily. The TRIPS Waiver is the best way to do this, as it would give manufacturers and governments the freedom to act quickly to meet the global need for COVID-19 vaccines and therapeutics.

With utmost respect, we maintain that the EU's opposition to the waiver is simply indefensible. It is contributing to the deepening global crises of inequality. It is also self-defeating. The recent emergence of new variants has shown that so long as large parts of the world population, especially vulnerable communities, remain unprotected, new and more resistant virus mutations are likely to emerge, threatening to even worsen and prolong the pandemic, thus continuing to further cause death, and devastate livelihoods, communities, and economies worldwide, including in the EU countries.

It is now clear that the longer the virus circulates in unprotected populations, the higher the probability of more transmissible mutations to occur, which obviously will affect all countries, including those opposing the waiver proposal. This would aggravate the complexity of addressing this pandemic. In the face of such a crisis where timely access to all tools for the prevention, testing, containment and treatment options are imperative, with all due respect, any opposition is simply untenable.

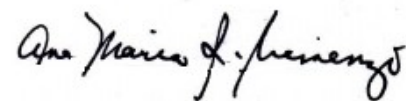
The waiver proposal at WTO provides an important opportunity to prevent a tragic repetition of the past.

With this letter we urgently and most respectfully request the European Union and its members countries to support the proposed TRIPS Waiver.

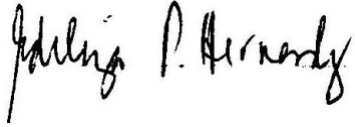
Kindly note that we also intend to send a similar letter to some of the member countries of the EU.

Thank you.

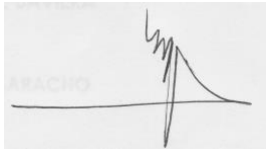
Yours Sincerely,



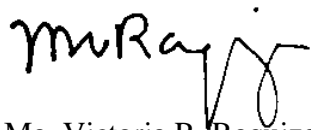
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