

INB4 Plenary Session

27 February 2023

WTO Secretariat Intervention

- The WTO Secretariat appreciates the opportunity to provide input on the zero draft under its own responsibility and without prejudice to the positions of WTO Members. We fully acknowledge that the determination of elements to be included in the instrument is the sole prerogative of WHO Member States. That said, we stand ready to support the INB Bureau and Member States, as appropriate regarding technical matters at the intersection of trade, intellectual property, and public health.
- We share the interest of the INB Bureau and WHO Member States in learning from the lessons of the COVID-19 pandemic to enhance pandemic preparedness, resilience, and response. Trade and trade policy have had a direct impact on access to COVID--19 countermeasures. The pandemic has highlighted the extent of the interdependence of trade and health systems which share common goals. In the same vein, the issues addressed in the zero draft are inherently connected and can be tackled most effectively through partnerships, including trilateral cooperation among the WHO, WIPO, and WTO Secretariats.
- We therefore note with appreciation provisions of the zero draft that highlight cooperation and partnerships, as well as those that regulate access conditions and guarantees, further transparency, promote regulatory convergence, and strengthen global supply chains for pandemic response products.
- We also note with interest the proposed Global Supply Chain and Logistics Network and stand ready to lend our expertise to support its success. WTO Members have already instructed us, as part of the [Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics](#) adopted at the 12th Ministerial Conference last June, to work with the WHO to conduct some of the tasks that would be assigned to the Network. We would welcome the opportunity to fulfil this mandate by engaging in efforts to establish an effective mechanism. To promote synergies, the zero draft could benefit from the positive guidance provided by the WTO Pandemic Declaration. For this purpose, it could be useful to recognize the Declaration in the text of the instrument.
- The role of intellectual property in the response to the current and future pandemics has also been extensively discussed at the WTO. The [Ministerial Decision on the TRIPS Agreement](#) that emerged from those discussions at the Ministerial Conference last June has the potential to contribute to the aim of Article 7.1 to increase and diversify manufacturing capacity for COVID-19 vaccines. This Decision could thus also merit a reference in the instrument.

- The meaning of “time-bound waivers of intellectual property rights”, as this phrase is used in Article 7.4 paragraph (a), may be understood in different ways. How such waivers would relate to the existing TRIPS flexibilities referenced in paragraph (b) may also merit further clarification. WHO Member States might therefore wish to consider these paragraphs together, taking into account the full range of existing TRIPS flexibilities and carefully considering the terminology of these paragraphs to ensure that they provide clear, actionable guidance to the Parties.

The WTO Secretariat remains at the disposal of the INB and Member States and would be pleased to provide any additional factual information upon request. Thank you.
