Statement from the WHO Council on the Economics of Health for All

The New WTO Decision on the TRIPS Agreement

15 JULY 2022

The WHO Council on the Economics of Health for All welcomes the WTO Ministerial Decision on the TRIPS Agreement that was adopted by the 12th Ministerial Conference on 17 June 2022. This Decision is an important first step on which WTO Members can build. The Council recognizes and appreciates the enormous effort that produced this encouraging outcome and congratulates WTO Director-General Ngozi Okonjo-Iweala on her outstanding leadership at this critical moment.

Nevertheless, in view of the gravity of the global health emergency posed by COVID-19, the Council regrets that the Ministerial Decision falls short of expectations on several counts. First, the deal is limited to COVID-19 vaccines to the exclusion of other response tools – namely diagnostics and therapeutics – that are essential to helping lower-income countries combat the pandemic. Second, it is limited to a five-year time-bound exception to current restrictions on the quantity of vaccines that may be exported under a compulsory licence. Third, the deal applies only to patents and not to other intellectual property barriers such as trade secrets which would be essential to include in order to facilitate the scale-up of manufacturing in low- and middle-income countries.

Together these deficiencies suggest that the final agreement is far from being a waiver; at best, it is a narrowly-defined, time-bound and highly circumscribed exception to the rules. Compared to the ambition contained in the original TRIPS waiver proposal put forward by India and South Africa, and noting that it took Members 18 months to agree on a way forward despite an ongoing global health crisis, the approved deal is a cause for concern.

While the Council welcomes this decision as an important first step in the right direction, the next step should be to expand the scope of the decision to therapeutics and diagnostics within the next six months and to work towards a complete waiver for the indefinite future. The Council looks forward to working closely with the WTO and related parties to push this agenda item forward in a manner that delivers innovation and true benefits, especially to developing countries.

Innovation is a collective effort. Let’s make sure it is also shared collectively.

Members of the WHO Council on the Economics of Health for All