

Oifig an Tánaiste agus an tAire,  
Fiontar, Trádála agus Fostaíochta  
Office of the Tánaiste and Minister  
for Enterprise, Trade and Employment



**Our Ref: 214312/TAN**

20 January 2022

Ms. Miriam Reilly  
Meetings Administrator  
Corporate Services Department  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24 D24YNN5

Dear Ms. Reilly,

Thank you for your correspondence to Minister Donnelly dated 17<sup>th</sup> December 2021 which was forwarded to the Tánaiste and Minister for Enterprise, Trade and Employment, Mr. Leo Varadkar T.D. I have been asked by the Tanaiste to respond on his behalf to your correspondence urging Ireland to support the TRIPS waiver proposal.

The issue of vaccine provision to countries in the developing world is a complex one, involving a range of policy and operational matters, such as manufacturing (including technical capacity, and expertise), supply, distribution (both to and within the countries in question), capacity for transport and storage in the required conditions, and uptake of vaccines by citizens in the countries concerned. Lead responsibility for the majority of these aspects rests with other Government Departments, and not with the Department of Enterprise, Trade, and Employment (DETE).

Further, it is noted that the proposal for potential changes to the TRIPS Agreement, is a proposal to vary the application of the TRIPS Agreement only to specific products within the health sector, which similarly, is a sector for which DETE does not have lead responsibility. Accordingly, it is considered that the proposal in this regard is primarily one of health policy, rather than a general trade or intellectual property (IP) issue.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is an international legal agreement between all the member nations of the World Trade Organization (WTO), and therefore any proposal for a potential variation or waiver of the current intellectual property protections under the TRIPS agreement is for negotiation at the WTO, where Ireland is one of 164 members.

Furthermore, International Trade is an EU competence, such that the EU, as a single voice, represents the coordinated position of the 27 Member States, including in discussions on TRIPS at the WTO. Ireland will continue to engage constructively with the European Commission and other member states on the EU position for the WTO discussions.

In relation to the waiver proposal from South Africa, India and other WTO members, the EU opposes the waiver on the grounds that intellectual property rights are not the primary obstacle to the access and supply of vaccines around the world. The EU has argued that limited manufacturing capacity dependent on appropriate facilities and skilled personnel, access to raw materials and other inputs and their complex supply chains, and the regulatory environment for the control and approval for every component of vaccines, are the main bottlenecks to the production and distribution of Covid-19 vaccines.

It was for this reason that the EU proposed an alternative to the TRIPS waiver proposal, which is targeted and pragmatic and aims to clarify how the existing flexibilities in the TRIPS Agreement could be more effective than a waiver. It provides that in a global emergency like a pandemic, compulsory licensing, where a government can authorise a company to manufacture and export Covid-19 pharmaceutical products without the authorisation of the patent owners, is a legitimate tool to scale up production of vaccines and medicines.

The EU has consistently stated that intellectual property is part of the solution to the pandemic, and not the problem. Not only is IP an incentive for invention of new vaccines or medicines, it is also essential to foster investments and innovation in manufacturing such vaccines or medicines in an increasing number of countries. If companies are to be encouraged to produce vaccines in low-and-middle-income countries, then they must be provided with rules that feature certainty and predictability. IP is also an enabler for

collaboration and technology transfer and will play an enabling role in supporting the diversification of production.

WTO members continue to engage in a solution-oriented manner to find an outcome on how the WTO can contribute to an effective response to any pandemic, not just the current one. Any solution must balance industry's research and innovation costs, and the importance of maintaining a workable IP regime, with the importance of ensuring fair, equitable access to medicines and medicinal products during this public health crisis.

The production of Covid-19 vaccines has increased substantially, with approximately 11 billion doses produced by the end of 2021. This is enough to vaccinate every single adult in the world with two doses in the coming months. The challenges have changed since the waiver proposal was first put forward over a year ago, with fair distribution of vaccines, diversifying production across the regions, and vaccine hesitancy among populations now cited as being among the main obstacles to getting the world vaccinated. The focus is also shifting from vaccines production to administering vaccinations and how strengthening health systems and their preparedness is pivotal in the achievement of the 70% vaccination target.

The Irish Government is a strong supporter of vaccine equity and has pledged to do all it can to ensure that there is universal and equitable access to Covid-19 vaccines worldwide.

Furthermore, it will continue to work with those countries who have yet to build the infrastructure needed to rollout a vaccine programme. The Government will do this through aid programmes that help with refrigeration, distribution, and administration, and all these elements are necessary for the rollout of successful vaccination programmes around the world. This includes supporting the World Health Organisation (WHO), the Global Vaccine Alliance and the Global Fund, to develop, produce and equitably distribute effective technologies in the Covid-19 global response.

The EU has been the leading exporter of vaccines; out of a total of 3.5 billion doses produced, the EU has exported over 1.4 billion doses to 160 countries. Team Europe has contributed €3 billion in financial support to the COVAX programme and is on target to donate 700 million doses by mid-2022. It is also investing €1 billion to ramp up mRNA production capacity in Africa.

Ireland has committed to donate up to 5 million COVID-19 vaccines. To date, a total of 2.9 million have been accepted as donations and of these over 1.3m have been delivered to countries including Uganda, Nigeria, Indonesia and Ghana. In addition, Ireland has committed €13.5 million in financing to the COVAX facility to facilitate the purchase of vaccines by low and lower middle-income countries and to cover the ancillary costs associated with vaccine donations.

Ireland has consistently championed collaborative responses to the pandemic, with a focus on ensuring that the needs of the poorest and most vulnerable are served by our collective effort. As a member of the global health community, Ireland continues to play an active role in ensuring fair and equitable access to vaccines for all.

I trust this is of assistance to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eamonn McCormack', written over a horizontal line.

Eamonn McCormack,  
Private Secretary.