



THE PEOPLE'S VACCINE

Joe Biden
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Ursula von der Leyen
President of the European Commission
Rue de la Loi 200, 1049 Brussels, Belgium

Dear President Biden and President of the European Commission von der Leyen,

Four years ago, the World Health Organization recognized COVID-19 as a pandemic. It is, however, unlikely to be the last pandemic of our lifetimes. We therefore welcome the decisive action you have proposed to tackle health crises domestically. President Biden has committed to ending pharmaceutical price gouging by using march-in rights, fair pricing in research and development (R&D) agreements, and negotiating Medicare prices collectively to secure affordable versions of patented medicines. President of the European Commission von der Leyen has overseen proposals for two reform packages to ensure equitable and rapid access to medicines, including measures to overcome intellectual property barriers and trade secrets.

In doing so, your respective administrations have recognized that intellectual property rules are a barrier to equitable access to medicines. Acting to remove those barriers is laudable - and demonstrates your determination not to allow the extraordinary profits of pharmaceutical companies to come before the lives of Americans and Europeans. We write today to urge you to extend that resolve to the entire world and to protect the lives of people in low and middle-income countries just as you are protecting the lives of your citizens.

Your representatives at the World Health Organization are negotiating an agreement to govern how the world can prevent, prepare for and respond to future health crises, known as the Pandemic Accord. Earlier drafts of the Accord included measures to ensure that no country would be left behind in a future pandemic, similar to those you have proposed domestically but on a global scale. However, without your support, these measures have been watered down or removed altogether in the most recent text.

We urge you to reconsider this approach and to align your international actions with your commendable domestic policies. When it comes to protecting public health, it cannot be one rule for Americans and Europeans and another for everyone else. Such a double standard, however inadvertent, would undermine the safety of all humanity in the next health crisis and risk opening your respective administrations to accusations of hypocrisy.

Therefore, as you enter the final stages of Pandemic Accord negotiations, we urge you to treat medical countermeasures as global public goods, showing moral leadership by supporting measures that will:



- 1. End the patent hypocrisy** and enable lower-income countries to implement measures to overcome intellectual property barriers similar to those you are introducing domestically. This means ensuring the Pandemic Accord contains an instrument to support regional compulsory licenses and share information claimed as trade secrets. And it means encouraging countries to utilize TRIPS flexibilities when necessary to expand access to medical products without the permission of an intellectual property holder, as the United States and some EU member countries did during the COVID-19 pandemic.
- 2. Share pharmaceutical technology and knowhow.** As the world's leading developers and funders of medical technologies, the EU and US must commit to sharing medical countermeasures with the WHO Health Technology Access Pool, which can then be sub-licensed to capable producers in the Global South. Strict conditions should be placed on public funding requiring the technology and knowhow behind any medical innovation financed by the taxpayer to be open-sourced to ensure that products are available and affordable to all countries.
- 3. Ensure fair and equitable allocation** of medical countermeasures. This must go beyond requiring a small proportion of vaccines and medicines to be set aside for the Global South. In the next pandemic, health workers and populations most at risk of infection must be prioritized for vaccines, tests, and treatments, regardless of where they live.
- 4. Guarantee that scientific progress benefits the Global South** by adopting a system of access to pathogens and benefit-sharing similar to the pandemic flu mechanism for all diseases with the potential to become pandemics. Global monitoring of pandemic threats is essential, but it is not fair to demand that lower-income countries share biological material and data without guaranteeing fair access to countermeasures produced and being able to benefit from financial contributions made under the new WHO access and benefit-sharing system.
- 5. Embed transparency in global health.** The public has a right to know what governments agree to on their behalf. Public financing for R&D, manufacturing, and procurement contracts must be published and subject to public scrutiny.

While many of these measures can and should be taken domestically, they must also be embedded in a Pandemic Accord with robust language to ensure that they are applied globally. Non-committal language in the agreement will not deliver equity, solidarity, and human rights. These principles can only be achieved through concrete commitments.

A fairer, more equitable response to health crises is in everyone's interests, whether the wealthiest countries or the poorest. By supporting these measures, you can ensure that the next pandemic is shorter and less deadly than the last. At this crucial moment, we call on you to exercise moral leadership and ensure that, in the next health crisis, the lives of everyone, everywhere are valued equally.

Signed,

AbibiNsroma Foundation
Access to Medicines Ireland
Acción Internacional para la Salud - Perú
Action for Change



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