

**Statement by India – Delivered by Ambassador & PR to the WTO**

**AGENDA ITEM 8. CONTRIBUTIONS TO THE MULTILATERAL  
PROCESS ON THE WTO RESPONSE TO THE PANDEMIC**

**A. DRAFT GENERAL COUNCIL DECLARATION - COVID-19 AND BEYOND: TRADE AND HEALTH – COMMUNICATION FROM AUSTRALIA; BRAZIL; BRUNEI DARUSSALAM; CANADA; CHILE; CHINA; THE EUROPEAN UNION; HONG KONG; CHINA; ICELAND; JAPAN; KAZAKHSTAN; KENYA; REPUBLIC OF KOREA; MEXICO; REPUBLIC OF MOLDOVA; MONTENEGRO; NEW ZEALAND; NORTH MACEDONIA; NORWAY; SINGAPORE; SWITZERLAND; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN; PENGHU; KINMEN AND MATSU; THE UNITED KINGDOM, URUGUAY AND VANUATU (WT/GC/W/823)**

**B. URGENT TRADE POLICY RESPONSES TO THE COVID-19 CRISIS – COMMUNICATION FROM THE EUROPEAN UNION TO THE WTO GENERAL COUNCIL (WT/GC/231)**

**C. MINISTERIAL DECLARATION ON COMBATING, MITIGATING AND RECOVERING FROM THE IMPACTS OF COVID-19 AND BEYOND – COMMUNICATION FROM THE SEPARATE TERRITORY OF TAIWAN; PENGHU; KINMEN AND MATSU (WT/GC/W/822)**

We thank the co-sponsors for their update on the submission WT/GC/W/823 titled COVID-19 AND BEYOND: TRADE AND HEALTH, calling for measures facilitating trade in essential medical goods, including vaccines to respond to the current COVID-19 related challenges in international trade. We also thank proponents of WT/GC/231 Urgent Trade policy responses to the COVID-19 crisis and WT/GC/W/822 Ministerial declaration on combating, mitigating and recovering from the impacts of COVID-19 and beyond.

2. While certain measures highlighted in these submissions can help in keeping the supply chains open, in transportation of raw materials and distribution of final goods and are welcome. These are one part of the solution. However, unless the supply options are diversified by mobilising the global manufacturing capacity, by making the IP, know-how and technology openly accessible to all potential manufacturers, we cannot resolve the challenge of Covid-19 pandemic. The rules and agreements inked for a normal situation, not keeping in mind a disaster or pandemic situation, will not deliver the desired

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and effective outcomes. We are disappointed with most of the contents of the present proposal.

3. An effective response to Covid-19 comprises of not only scaling up production, but also to make them affordable and accessible. That can happen only after billions of doses are produced affordably and made available to everyone. In order to achieve this goal, we need to ensure that the intellectual property rights do not restrict rapid scaling up of manufacturing. The co-sponsors have engaged in good faith and positively in the text-based negotiations for a TRIPS waiver and we are keen to continue to engage for a TRIPS waiver to remove barriers and create greater freedom to operate so that capacity all over the world can be mobilised. The need of the hour is to go beyond the ordinary and take extraordinary measures to combat the challenge in this regard it is naïve to believe that a mere reiteration of existing TRIPS provisions would provide the legal certainty to existing flexibilities when we have clearly seen for a fact that neither existing TRIPS flexibilities nor reliance on voluntary mechanisms have yielded any significant result so far.

4. Chair, while highlighting preventing further disruptions in the supply chains of essential medical goods, the submissions misses out a very significant element in Covid-19 response. It talks about facilitating movement of goods including medical products, but it is silent on facilitating movement of healthcare and other professionals and liberalising measures on that front.

5. While the proposal calls for removing Export Restrictions, let me emphasise here that Export restrictions are a legitimate dual use policy tool. During the pandemic where we are not working in perfect market condition, export restrictions will be used unless we correct the supply side. We have used this tool for ensuring equitable distribution of critical medicines, diagnostic kits, ventilators and personal protective equipment to more than 150 countries based on mutually assessed needs; in the absence of which, entire supply of finished products might have been cornered by the rich and privileged lot with deep pockets.

6. On elimination or reduction of tariff, Members have been calibrating tariffs unilaterally for achieving their policy objectives, including access to medical products to its citizen. India has also moderated its tariffs on such products during the pandemic.

7. On cooperation of the WTO with other organizations, we welcome the proposal and are willing to discuss it further with the proponents.

8. Any binding measure on additional transparency will only come in the way of successful integration of trade and health, particularly during a pandemic.

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10. In conclusion, Chair, we need to be mindful that lives and livelihoods are being lost while we continue to debate WTO's response to the pandemic. We need to take realistic and pragmatic action now to protect the credibility of this organisation.

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