

**General Council Meeting  
(07-08 October 2021)**

\*\*

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

**Agenda Item 5A. Preparations for the Twelfth Session of the Ministerial Conference – MC12 Outcome Document – Report by the Chair**

I wish to convey that we remain fully engaged in the process which you are leading.

\*\*\*\*

**Agenda Item 5B. Preparations for the Twelfth Session of the Ministerial Conference – Work Programme on Electronic Commerce – Report by the Chair**

We will be making our statement under Agenda Item 6.

\*\*\*\*

**Agenda Item 5C. Preparations for the Twelfth Session of the Ministerial Conference – WTO Response to the pandemic – Report by the facilitator**

At outset, my delegation would like to thank the Facilitator for WTO response to pandemic for his report. We would also like to thank both the Facilitator and the General Council Chair for their consultations on this issue. India has been regularly participating in these discussions. We have also submitted a list of elements, stating that we like these to be discussed as part of this process. For the benefit of Members, let me present those elements:

1. Secretariat to prepare catalogue of flexibilities under the WTO Agreements, and Members to consider how to use these flexibilities and how to improve access to them to best enable a response to current and future pandemics as well as natural disasters, including through consideration of possible escape clauses or a 'peace clause' to avoid disputes. We also need to identify WTO Agreements, which do not contain such flexibilities or escape clauses and examine possibility of providing flexibilities/escape clauses in such Agreements, to best enable a response to future pandemics as well as natural disasters.
2. Most of the International Organizations, like International Monetary Fund, have introduced flexibilities or deviated from their stated stance to enable

countries tackle the pandemic. Can WTO also catalogue rules, which can be relaxed/loosened to enable Members tackle adverse impact of pandemics and natural disasters?

3. WTO response should not only try to address the existing trade barriers, but also address new and emerging ones, like vaccine differentiations or COVID passports affecting personnel movements in turn resulting in trade barriers for export of services.
4. WTO response, in addition to focusing on facilitating free flow of goods, should also provide for free flow of services and supplies, like health services, international telemedicine services needed for handling the pandemic or natural disasters.
5. While considering issues relating to export restriction as part of WTO response, Members shall also keep in mind that export restrictions are symptoms of acute supply side constraints, and till we address such constraints, exports restrictions will continue to surface one way or the other. We must acknowledge that meeting domestic demand of critical products is a priority over trading those products.
6. While providing for regulatory coherence to avoid duplications and save time, due care should be taken to ensure that all concerned regulatory authorities have access to the regulatory dossiers [from the regulatory authority providing initial approval].
7. Temporary measures such as trade facilitation measures and tariff liberalization, which in any case Members can put in place on their own to handle pandemics and natural disasters, need not be made permanent as making them permanent would unnecessarily circumscribe Members' policy space during normal times. Decision to take any measure permanent or not should be left to the concerned Members, as per rights and obligations under the WTO.
8. As part of its response to pandemics and natural disaster, WTO along with other International Organizations need to work on putting in place a pandemic response system, wherein we create a pool of resources in terms of essential goods and services to tackle such pandemic or natural disasters. In the context of current pandemic, such goods could be oximeter; oxygen concentrators; test kits; and some essential medicines, while such services could be healthcare services, telemedicine etc. Operationalizing this mechanism in case of essential goods would include mapping manufacturing capacities and demands and matchmaking to cater to such demands. In case of services, it would involve pooling of resources in terms of healthcare and other professionals drawn from various Members with mutual recognition or with relaxed recognition norms temporarily facilitating movement of such professionals, including through temporary measures involving special visas/permits, match the availability of such resources with demand and provide for short duration supply of their

services, say for a period of four to eight weeks, both physically or remotely to address the acute shortages.

9. Food Security issues, including Public Stock Holding [PSH] for food security purposes. While addressing food security concerns is a legitimate ask, the same goes beyond the ambit of the package for the pandemic. Food security is a well-recognized concern faced by the world, especially in the developing countries and LDCs. A permanent solution to the issue of PSH for food security would go a long way in serving the countries beyond the pandemic times.
10. And most importantly, addressing intellectual property challenges in augmenting manufacturing capacities and ensuring unimpeded, timely and secure access to quality, safe, efficacious and affordable health products and technologies for all, for a rapid and effective response to pandemics, including Waiver form specific provisions of TRIPS Agreement, wherein the TRIPS waiver component has to be finalized before MC12. Any WTO response to pandemics without TRIPS waiver element will not be credible.

Chair, for WTO response package to be effective, it shall also contain an inbuilt monitoring mechanism to assess its effectiveness of measures put in place; whether they are providing desired results? and if not, what further steps need to be taken?

Chair, we are willing to engage constructively in any process to formulate an effective WTO response to pandemic and natural disasters, including engaging in any text bases process, provided such discussions follow a balanced approach and address issues of concern to all Members.

In conclusion, we need to be mindful that lives and livelihoods are being lost and economies world over are suffering while we continue to debate, for more than a year by now on issues relating to WTO's response to the pandemic, including the TRIPS Waiver proposal. Chair, credibility of this institution hinges in quickly formulating such a response, of which TRIPS Waiver has to be an essential part of.

\*\*\*\*\*

