

**General Council Meeting
22-23 November 2021**

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

Agenda item 6: TRIPS COUNCIL MATTERS

C. TRIPS NON-VIOLATION AND SITUATION COMPLAINTS (IP/C/91)

Chair, India welcomes the decision by the TRIPS Council on extension of moratorium on TRIPS Non-violation Situation Complaints. India reiterates its commitment to remain constructively engaged on this issue and work with like-minded Members in making this moratorium permanent.

D. STATUS REPORT ON THE CONSIDERATIONS BY THE TRIPS COUNCIL ON THE REVISED ‘PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19’ (IP/C/W/669/REV.1) – STATEMENT BY THE CHAIR OF THE COUNCIL FOR TRIPS

Chair, despite dedicating over a year in discussions and debates and having lost over 5 million to the deadly virus, there has been no substantive engagement on the text of the **proposal on TRIPS Waiver contained in IP/C/W/669 Rev.1**. Opposition by few Members to engage on this issue of paramount importance to rest of the WTO membership reflects on our ability to deliver in times that elicit an extraordinary response. The co-sponsors of 669 Rev.1 have tirelessly engaged with the membership at large, to discuss their proposal, we have shown flexibility and pragmatism in our bilateral engagements, the cosponsors have clearly delineated the parameters of a possible landing zone in our outreach with the naysayers. It is up to these members now to show their flexibility and work with a spirit of compromise.

2. It is disappointing that while the world is watching us with great expectations to deliver solutions to the exigencies of the pandemic, we have ensured that the solutions remain elusive. We constantly heard that IP is not a barrier to scaling up production and that the bottlenecks lie elsewhere and thus a multipronged approach to come out with a response would be needed. The co-sponsors have in good faith engaged on all elements of a possible response to the pandemic, in various formats, while a similar zeal to reach an outcome or even to start a negotiation has been lacking on the TRIPS Waiver proposal.

3. Chair, as per the UNCTAD trade and development report 2021, the damage from the COVID 19 crisis has exceeded that of the global financial crisis of 2008 in most parts of world economy; but it has been particularly draining on the developing world, who will be barring a few as much as 8 trillion dollars poorer by 2025. Even assuming no further shocks, a return to the pre-pandemic income trend could take until 2030, weakest growth rate since the end of World War II.

4. Chair, it is imperative, that we, as an organisation should be willing to deliver solutions that alleviate the problems of the most resource poor and vulnerable. In this regard, the Waiver becomes central to an effective WTO response to COVID 19 and to achieving equitable access. Time for ideological debates on whether Waiver would work or be effective or whether existing flexibilities in the form of Compulsory

licensing are sufficient is over. And as we often say in the discussions at WTO that let the perfect not be the enemy of the good. Thus, it is urgent that a decision on the Waiver is achieved to have a successful WTO response to the pandemic during MC 12 and let us all work towards that end. Without a decision on this proposal i.e. IP/C/W/669 Rev.1, any WTO response to pandemic will not look credible.
