

**Statement as delivered under Agenda Item 13 on TRIPs Waiver  
Proposal in the Formal TRIPs Council Meeting 8-9 June 2021**

Thank you Chair, for giving me the floor.

I will begin by expressing thanks to the new co-sponsors and members who have come forward to support our proposal. We thank members for their pragmatism which is important to take these negotiations to their logical and timely conclusion.

The past year and a half have been unprecedented in the history of this organisation. As the challenges posed by the pandemic unfold, we work towards collaborative efforts to combat COVID-19. In this regard, Members have submitted proposals at the WTO seeking to combat the crisis and enhance preparedness for future pandemics, however, it is our firm belief that the TRIPs waiver proposal remains at the core of our response and preparedness.

We have introduced the revised text after many rounds of informal and formal meetings of this Council and small group meetings and bilateral discussions. The revised text addresses the concerns raised by Members in these meetings.

Chair, let me quickly touch upon the 5 changes that we have brought out in the revised text, with 3 changes to the preamble and the other two concerning the scope and duration.

First change draws our attention to the emerging variants and mutations that reinforces the belief that the solution must be global and timely or else the virus and its mutations and variants would outpace and beat the solutions designed.

The second change is made to integrate elements from TRIPs Council Chairs' report to the GC reflecting solidarity shown by the membership in treating this as a global problem that needs a global solution.

Third change to the preamble reflects the balance between commercial interests of IP rights holders and public health at large also showing that for the cosponsors it's not an ideological debate, we are not against

incentives for R&D and innovation while at the same time we acknowledge the importance of PUBLIC Health during a pandemic.

The scope and duration bring in specificity to the proposal, as the scope focuses on the prevention, containment, and treatment of COVID19 and includes the health products and technologies needed to deal with the pandemic, the specific duration considers uncertainties surrounding the pandemic while also brings out the temporary nature of the waiver. The proponents have no intention of continuing the waiver for indefinite period and no intention of denying benefits of IP rights to right holders beyond the waiver period. Therefore, India will request members having such doubts to join text-based negotiations.

Chair, it is encouraging to note that in the past eight months the proposal has been actively discussed in various formats at the TRIPs Council meetings both formal and informal, in small group meetings as well as in bilateral engagements. Seemingly, a fair conclusion can be drawn that, all Members have concurred that the solution needs to be comprehensive and multipronged, and that various ways can be pursued simultaneously and without prejudice to each other.

We gather from the informal meeting held on 31<sup>st</sup> May and from discussions in yesterday and today's meeting that Members have expressed their willingness to engage in discussions on the text and we thank the Members for this flexibility. Also, in the informal meeting Chair you had asked delegations to come prepared to deliberate upon the modalities and format with regards to the text-based negotiations. Let me briefly present our five suggestions with respect to that.

First, we would like negotiations to begin after this formal meeting i.e., by mid-June. Second. Looking at the severity of the 2<sup>nd</sup> and 3<sup>rd</sup> wave hitting different parts of the world Chair, we have no time to lose, we look at concluding these negotiations by the end of July before we go for the summer break.

Third we would like to enter line-by-line negotiations on the text, and for this we are open and flexible to engage in all possible formats whether in a plenary or small group meetings.

Fourth. We request all necessary cooperation regarding administrative and logistical arrangements from TRIPs Council Secretariat to go forward in this regard.

Finally, we urge that as we are working on a tight schedule we can engage daily in the similar way as we are engaging to conclude the fisheries negotiations.

Chair, in conclusion I would say that we have reached a critical juncture in this process and any dilly dallying would only cause more harm especially when we are in a race against time. If there are any members who are still in two minds, and have concerns on the text we urge them to come to the table, join the text based negotiations and we can continue discussions and work on thrashing out these issues of interpretation therein.

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