

## **SECOND OPEN SUBMISSION BY THE WTO SECRETARIAT TO THE WHO INTERGOVERNMENTAL NEGOTIATING BODY ON A PANDEMIC INSTRUMENT<sup>1</sup>**

The WTO Secretariat appreciates being given the opportunity to provide an update on pandemic-related work at the World Trade Organization (WTO) to the Intergovernmental Negotiating Body (INB) to negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (Instrument). This submission complements the WTO Secretariat's first contribution to the INB, dated 18 May 2022.<sup>2</sup> Annex 1 reproduces an updated list of WTO Secretariat COVID-19 Information Notes, Databases and Staff Working Papers. Annex 2 includes an updated list of WTO Secretariat information sharing sessions and workshops.

Noting the potential coverage of a wide range of trade-related elements in the forthcoming negotiations of the Instrument, including the [Working Draft](#) considered at the INB's second meeting in July 2022, the WTO Secretariat would like to reiterate its strong interest and readiness to actively engage in and substantially contribute to the INB process.

### **1 INTRODUCTION**

1. As the WTO Secretariat noted at the INB meeting held on 15 June, the WTO's 12<sup>th</sup> Ministerial Conference (MC12), held in Geneva from 12 to 17 June 2022, adopted several instruments with potential bearing on the work of the INB. The *Ministerial Declaration on the WTO Pandemic Response* ('the Pandemic Declaration') and the *Ministerial Decision on the TRIPS Agreement* ('the TRIPS Decision') address several trade policy and trade-related issues that may intersect with the work of the INB. Also potentially relevant is the *Sanitary and Phytosanitary (SPS) Declaration on Responding to Modern SPS Challenges*, which addresses among other things emerging infectious diseases linked with the human-animal-environment interface and the MC12 outcome on food insecurity. Broader WTO activities of potential relevance to the INB include work on technology transfer to LDC Members under Article 66.2 of TRIPS and cooperation on illicit trade in medical products during a pandemic.

### **2 BUILDING EFFECTIVE, EXPEDITIOUS AND COORDINATED SOLUTIONS AT THE WTO TO RESPOND TO THE COVID-19 PANDEMIC AND PREPARE FOR FUTURE PANDEMICS**

2. The Pandemic Declaration provides an authoritative overview of the full array of areas where the WTO's coordination role will be critical, while also expressly recognizing the Secretariat's role as a source of analysis and technical assistance and its wide array of productive partnerships with other international organizations, in particular, the WHO. The Declaration calls for expeditiously building effective solutions with regard to a wide range of issues covered by WTO agreements to respond to future pandemics,<sup>3</sup> including:

- a. balance of payments,
- b. development,
- c. export restrictions,

---

<sup>1</sup> This document has been prepared under the WTO Secretariat's own responsibility as a factual overview and is without prejudice to the positions of WTO Members or to their rights and obligations under the WTO.

<sup>2</sup> The first written contribution was submitted by the WTO Secretariat to the INB Bureau on 18 May 2022 as an initial contribution to the INB's work on an international pandemic instrument. It provided an overview of the relevance of trade and a wide range of WTO agreements for the development and distribution of health technologies, including during the COVID-19 pandemic. The submission also compiled information about the extensive pandemic-related work undertaken by the WTO Secretariat, as well as by WTO Members in several WTO bodies. An updated version of the submission was subsequently also circulated in WTO document [WT/MIN\(22\)/34](#) of 22 June 2022.

<sup>3</sup> Document [WT/L/1142](#), para. 23.

- d. food security,
- e. intellectual property,
- f. regulatory cooperation,
- g. services,
- h. tariff classification,
- i. technology transfer,
- j. trade facilitation; and
- k. transparency.

For this purpose, relevant WTO bodies<sup>4</sup> have been tasked to analyse lessons learned and challenges experienced during the COVID-19 pandemic, on the basis of proposals by Members.<sup>5</sup> The WTO General Council will annually take stock of their work until the end of 2024.

3. The Declaration further provides the basis for the WTO to cooperate with the WHO and other stakeholders, as it stresses "the importance of the WTO working, along with the WHO and other international organizations, on an international pandemic response".<sup>6</sup> Moreover, it notes the work already undertaken by the WTO Secretariat, including in collaboration with other international organizations with regard to the mapping of supply and demand, "trade in vaccines, therapeutics, diagnostics, and other essential medical goods and services as related to the COVID-19 pandemic".<sup>7</sup>

4. Ministers recognized "the role of the multilateral trading system in supporting the expansion and diversification of production of essential goods and related services needed in the fight against COVID-19 and future pandemics".<sup>8</sup> They affirmed their commitment to transparency and information sharing in a timely and comprehensive manner in accordance with WTO rules to better understand trade-related measures taken and quickly identify potential disruptions in supply chains during COVID-19 and future pandemics.<sup>9</sup> The Declaration also underscored the importance of ensuring that emergency trade measures designed to tackle COVID-19 be "targeted, proportionate, transparent, temporary, and do not create unnecessary barriers to trade or unnecessary disruptions in supply chains".<sup>10</sup>

5. Regulatory cooperation and the sharing of regulatory information on a voluntary basis are encouraged to expedite access to essential medical goods, during COVID-19 and future pandemics.<sup>11</sup> The Declaration acknowledges the relevance of further cooperation within the mandate of the WTO and its rules to boost post-pandemic recovery and trade flows (including on testing requirements and results, recognition of vaccination certificates and interoperability and mutual recognition of digital health applications), while continuing to protect public health and ensuring privacy and personal data protection.<sup>12</sup>

---

<sup>4</sup> Relevant WTO bodies include the Council for Trade in Goods or its subsidiary bodies (including the Committee on Trade Facilitation, the Committee on Technical Barriers to Trade, the Committee on Sanitary and Phytosanitary Measures, the Committee on Market Access, and the Committee on Agriculture), Trade Policy Review Body, Council for Trade in Services or its relevant subsidiary bodies, Council for Trade-Related Aspects of Intellectual Property Rights, Committee on Trade and Development, Working Group on Trade and Technology Transfer and Working Group on Trade, Debt and Finance. (document [WT/L/1142](#), footnote 1 to para. 24).

<sup>5</sup> Document [WT/L/1142](#), para. 24. For example, at a meeting of the WTO TRIPS Council held on 6 and 7 July 2022, it was agreed that any such proposals would be discussed at future meetings under the agenda item "IP and COVID-19".

<sup>6</sup> Document [WT/L/1142](#), para. 28.

<sup>7</sup> Document [WT/L/1142](#), para. 27. A summary of this work can be found in document [WT/MIN\(22\)/34](#).

<sup>8</sup> Document [WT/L/1142](#), para. 3.

<sup>9</sup> Document [WT/L/1142](#), paras. 5, 6.

<sup>10</sup> Document [WT/L/1142](#), para. 7.

<sup>11</sup> Document [WT/L/1142](#), para. 11.

<sup>12</sup> Document [WT/L/1142](#), para. 20.

### 3 IMPLEMENTING THE MINISTERIAL DECISION ON THE TRIPS AGREEMENT TO DIVERSIFY COVID-19 VACCINE PRODUCTION

6. The TRIPS Decision (document [WT/L/1141](#)) provides a platform for Members to work together to overcome potential intellectual property obstacles to expanding and geographically diversifying COVID-19 vaccine production capacity, with a view to promoting access and resilience. To do this, it creates an additional, streamlined avenue for developing country Members to export production of generic vaccines to Members in need, without the requirement for those needs to be communicated in advance. It also addresses several issues that some Members identified as hindering their pandemic response, in particular when expeditiously authorising the use of patented technology without the consent of the right holders, while maintaining the multilateral IP framework identified by other Members as critical to the development and distribution of pandemic countermeasures.

7. While the Decision is currently limited to COVID-19 vaccines, negotiations are underway to extend its scope of coverage to the production and supply of COVID-19 diagnostics and therapeutics.<sup>13</sup> The deadline for the completion of this work is 17 December 2022.

8. The Decision comprises a single targeted waiver and clarifications of existing TRIPS flexibilities which enable Members to limit the exclusive effect of patent rights. The TRIPS Agreement already permits any WTO Member to authorize the use of the subject matter of a patent without the right holder's consent on any grounds, subject to the general principles of Article 31.<sup>14</sup> The Decision enables Members to authorize use of patent subject matter for the production and supply of COVID-19 vaccines – including ingredients and processes necessary for their manufacture – to supply developing countries in need, including through international humanitarian programmes, without such production being authorized predominantly for the domestic market<sup>15</sup> and without waiting for importing Members to notify their needs. Hence, eligible Members may produce vaccines without consent or consultation with right holders and can export *any* proportion of the resulting production to other eligible Members, either directly or through international humanitarian programmes. Thus, the Decision enables eligible Members to collaborate and exploit economies of scale by establishing production hubs that are designed to serve the needs of other countries, free from the obligation to retain the predominant portion of production within the borders of the producing Member.

9. To achieve this, the Decision waives Article 31(f) of the TRIPS Agreement for eligible Members. It does not modify or replace the Special Compulsory Licensing System (System) enshrined in Article 31*bis* and the Annex to the TRIPS Agreement. Rather, the Decision offers a streamlined voluntary alternative to the System to promote the production and supply of COVID-19 vaccines.

10. In addition to a waiver of Article 31(f), the Decision clarifies a number of TRIPS provisions related to Article 31 authorizations that had been a source of uncertainty for some Members. Clarifications affirm that Members:

- a. may issue government use authorizations through any instrument available in domestic law, including but not limited to legislative acts and compulsory licensing regimes<sup>16</sup>;
- b. are not required to undertake efforts to obtain right holder consent under Article 31(b) prior to authorizing use of a patent required for the production and supply of COVID-19 vaccines needed to address the pandemic<sup>17</sup>; and
- c. may take into account the humanitarian and not-for-profit purpose of certain vaccine programmes, as well as existing good practices in national emergencies and pandemics,

---

<sup>13</sup> Document [WT/L/1141](#), para. 8.

<sup>14</sup> As confirmed by the Doha Declaration on the TRIPS Agreement and Public Health (Doha Declaration), document [WT/MIN\(01\)/DEC/2](#), para. 5(b).

<sup>15</sup> Document [WT/L/1141](#), para. 3(b). See also para. 1 and fn 2.

<sup>16</sup> Document [WT/L/1141](#), para. 2.

<sup>17</sup> Document [WT/L/1141](#), para. 3(a). The Doha Declaration clarified that Members have the right to determine what constitutes a national emergency or other circumstances of extreme urgency and noted an understanding that public health crises can constitute a national emergency or circumstance of extreme urgency. Document [WT/MIN\(01\)/DEC/2](#), para. 5(c).

in determining adequate remuneration for right holders;<sup>18</sup> a WHO- commissioned guide is referred to in this context.

Finally, the Decision confirms the understanding of WTO Members that the obligation to protect regulatory test data required under Article 39.3 TRIPS does not prevent an eligible Member from taking steps to rapidly approve for use a COVID-19 vaccine.<sup>19</sup>

11. The Decision also includes transparency and safeguard requirements, including the communication of implementing measures for information purposes only. To ensure that production is not siphoned away from the intended humanitarian beneficiaries and others in need, importing Members must undertake reasonable efforts to prevent the re-exportation of goods imported under the Decision. In exceptional circumstances, however, imported COVID-19 vaccines may be re-exported to another eligible Member for humanitarian and not-for-profit purposes.<sup>20</sup>

12. Eligible Members may apply the provisions of the Decision until 17 June 2027. The WTO General Council will review the operation of the Decision annually and may decide to extend it.<sup>21</sup> When the Decision expires, Members may transition to the pre-existing and continuously available parallel System under Art.31*bis*, for instance through the simple notification of continuing import needs, which should be sufficiently clear and predicably by that time. Alternatively, they may opt to produce predominantly for their domestic market while still exporting a significant proportion of the production, no longer necessitating a waiver of Article 31(f). Voluntary licenses or opportunities to transition production to other in-demand medical technologies may also be available.

13. As with any other waiver or amendment to a TRIPS obligation, the Decision is not self-executing. Although it expands the scope for government action, it does not replace the steps Members may have to take at the domestic level to make use of it – in particular, the practical steps required to finance, establish and commission the necessary vaccine production capacity, if a government wishes to use this mechanism to ease the pathway to vaccine production. The WHO, WIPO and WTO are available to provide coordinated technical assistance upon request to support the effective implementation of the Decision. Requests may be submitted via the WHO-WIPO-WTO COVID-19 Technical Assistance Platform.<sup>22</sup>

#### **4 A WORK PROGRAMME TO ADDRESS MODERN FOOD SAFETY, ANIMAL, PLANT HEALTH CHALLENGES, INCLUDING WITH RESPECT TO EMERGING INFECTIOUS DISEASES**

14. The Sanitary and Phytosanitary (SPS) Declaration on Responding to Modern SPS Challenges is targeted at addressing new food safety, animal, and plant health challenges as they relate to international trade.<sup>23</sup> It instructs the SPS Committee to launch a work programme, open to all Members and observers, to enhance how the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) is implemented in an effort to better manage issues related to international trade in food, animals and plants. The work programme will provide a forum for discussing a wide range of SPS-related trade issues, including issues that may relate to future pandemics.

15. The SPS Declaration acknowledges that the global agricultural landscape has evolved since the adoption of the SPS Agreement in 1995. This evolution has brought about a variety of new opportunities and emerging challenges for the international trade in food, animals and plants. In this respect, the SPS Declaration specifically mentions "shifting pressures due to the spread of pests, diseases, disease-carrying organisms, or disease-causing organisms, increasing threat of antimicrobial resistance for human and animal health as well as emerging infectious diseases linked with the human-animal environment interface, especially zoonoses".<sup>24</sup>

---

<sup>18</sup> Document [WT/L/1141](#), para. 3(d). See also fn 4.

<sup>19</sup> Document [WT/L/1141](#), para. 4.

<sup>20</sup> Document [WT/L/1141](#), para. 3(c) and fn 3.

<sup>21</sup> Document [WT/L/1141](#), para. 6.

<sup>22</sup> <https://www.who-wipo-wto-trilateral.org/>.

<sup>23</sup> Document [WT/L/1138](#).

<sup>24</sup> Document [WT/L/1138](#), para. 6.

16. A proposed process for the work programme is currently under discussion in the SPS Committee.<sup>25</sup> It is foreseen that the work programme will be carried out by thematic groups, led by (co)stewards, which will suggest ideas and/or submit proposals for discussion in the SPS Committee. These thematic groups will discuss: how to facilitate global food security and more sustainable food systems; how to support basing SPS measures on scientific evidence and principles; how to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions; how to encourage cooperation with observer organizations that support the work of the SPS Committee (including the WHO) and the international standard setting bodies<sup>26</sup>; and how to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures.

17. The SPS Committee is expected to address the outcomes of the work programme and report on key findings and action undertaken as a result of this work to the Thirteenth Ministerial Conference with recommendations, as appropriate.

## **5 CONTRIBUTING TO THE INTERNATIONAL RESPONSE TO FOOD INSECURITY**

18. WTO Members also adopted at MC12 a decision to exempt from export prohibitions and restrictions food purchases by the World Food Programme for non-commercial humanitarian purposes<sup>27</sup> and a declaration on the emergency response to food insecurity.<sup>28</sup> In the declaration, Members reaffirmed some key principles and committed to several actions aimed at addressing food security challenges, such as reaffirming the vital role of trade to improve global food security; committing to take concrete steps to facilitate trade and improve resilience of markets for food and agricultural products and agricultural inputs; reaffirming the importance of not imposing export prohibitions or restrictions in a manner inconsistent with relevant WTO disciplines; stressing the need for emergency measures applied to address food security concerns to minimize trade distortions as far as possible and be temporary, targeted and transparent; agreeing on a specific work programme under the auspices of the Committee on Agriculture to examine food security needs and concerns of the LDCs and net food importing developing countries; and recognizing the role of food stocks in relation to domestic and international food security.

19. WTO Members also reaffirmed their overall commitment to make progress towards the achievement of a fair and market-oriented agricultural trading system achieving food security and improved nutrition and promoting sustainable agriculture and food systems including resilient agricultural practices, taking into account the interests of small-scale food producers in developing countries.

## **6 SUPPORTING AND FACILITATING TECHNOLOGY TRANSFER TO LEAST DEVELOPED COUNTRY MEMBERS**

20. Article 66.2 of the TRIPS Agreement establishes a positive obligation on developed country Members to provide incentives to enterprises and institutions in their territories to promote and encourage technology transfer to least developed country (LDC) Members, to enable them to create a sound and viable technological base. This commitment was reaffirmed in the 2021 Doha Declaration on the TRIPS Agreement and Public Health, and again in the 2022 Pandemic Decision. In a decision by the WTO General Council in 2003,<sup>29</sup> Members undertook to cooperate in paying special attention to the transfer of technology and capacity building in the pharmaceutical sector in work to be undertaken pursuant to Article 66.2. This undertaking was incorporated in the amendment to the TRIPS Agreement agreed by Members in 2005<sup>30</sup> and which entered into force in 2017.

---

<sup>25</sup> Document [G/SPS/W/330](#).

<sup>26</sup> Codex Alimentarius, the World Organisation for Animal Health (WOAH), and the International Plant Protection Convention (IPPC).

<sup>27</sup> Document [WT/L/1140](#).

<sup>28</sup> Document [WT/L/1139](#).

<sup>29</sup> WTO, 'Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement – General Council Decision of 30 August 2003' (2 September 2003), document [WT/L/540](#).

<sup>30</sup> WTO, 'Amendment of the TRIPS Agreement' – General Council Decision of 6 December 2005' (8 December 2005), document [WT/L/641](#).

21. In 2003, as directed by the Doha Ministerial Conference, the WTO TRIPS Council established a transparency mechanism for the monitoring and full implementation of this obligation.<sup>31</sup> The mechanism outlines information that the developed country Members should present on actions taken or planned in fulfilling their Article 66.2 obligations, and requires an annual review of its implementation in the Council. As of 1 September 2022, 299 reports<sup>32</sup> have been submitted under this mechanism and the Council has conducted 19 annual reviews of these reports.

22. During the 2018-2020 reporting cycle, a total of 132 programmes<sup>33</sup> involving the transfer of health technologies were reported. These programmes primarily addressed the transfer of technology in healthcare systems, services and equipment as well as communicable diseases, including COVID-19 training, testing, data collection, and analysis.<sup>34</sup>

23. In order to improve the use of the transparency mechanism and to help LDCs better understand the critical need for a sound and viable technological base as a foundation for their sustainable development, the WTO Secretariat has, since 2020, conducted a survey of LDC needs and priorities for technology transfer, in which the LDC Group identified public health and pharmaceuticals as a priority needs area. The WTO Secretariat also organizes annual workshops with a programme specifically focusing on this technology transfer field and invited WHO experts to participate in these workshops.

## **7 ENHANCING THE FIGHT AGAINST ILLICIT TRADE IN MEDICAL PRODUCTS DURING A PANDEMIC**

24. While the Working Draft and discussions at the INB have not addressed any issues related to illicit trade in medical products during a pandemic so far, the impact of such products on people's health, development and economic recovery has been considered by various intergovernmental organizations, including the WHO, WCO, UNODC, UNCTAD, UNIDO, OECD, and also the WTO.

25. During the COVID-19 pandemic, high demand and limited supplies of vaccines and other health technologies created weaknesses in supply chains for illicit traders to exploit. Seeking to profit from lockdowns, trade restrictions and supply chain disruptions, they compromised the integrity of distribution channels. The acceleration of digital trade, and the related increase in shipments of small consignments, facilitated the operation of illicit traders. Ignoring these challenges will cede greater space to illicit activity and could impact the ability to cope with future health crises.

26. The WTO Secretariat publication "[Tackling illicit trade in medical products – better international cooperation for better health](#)", launched on 27 July 2022, sets out key areas where the WTO can support its Members in fashioning policy responses, in particular, by strengthening border controls and product regulations and promoting balanced and effective intellectual property enforcement. Using rules in relevant WTO agreements, such as the Trade Facilitation Agreement, the Agreement on Technical Barriers to Trade and the TRIPS Agreement, in a mutually supportive manner will provide multiple layers of border and regulatory oversight that offer enhanced prospects for the detection of illicitly traded medical products. In addition, transparency provisions across those agreements promote cooperation between customs authorities and national regulators to detect and stop such trade. Greater coordination within and between governments, as well as among international organizations, can build on WTO rules that require or promote transparency, information exchanges and the designation of contact points. In addition, WTO bodies provide useful platforms to address illicit trade concerns and to share information on domestic practices.

---

<sup>31</sup> WTO, 'Implementation of Article 66.2 of the TRIPS Agreement – Decision of the Council for TRIPS of 19 February 2003' (20 February 2003), document [IP/C/28](#).

<sup>32</sup> These reports can be found in the [eTRIPS Gateway](#).

<sup>33</sup> 132 out of 754 programmes reported.

<sup>34</sup> World Bank and World Trade Organization (2022) '[Trade Therapy](#): Deepening Cooperation to Strengthen Pandemic Defenses', Washington, DC: World Bank. doi:10.1596/978-1-4648-1885-1. License: Creative Commons Attribution CC BY 3.0 IGO, p.124-127.



## ANNEX 1

### WTO SECRETARIAT COVID-19 INFORMATION NOTES, DATABASES AND STAFF WORKING PAPERS

(Update, 6 September 2022)

Date	Type	Title	Description
Ongoing	Database	<a href="#">WTO-IMF Vaccine Trade Tracker</a>	Data on the trade and supply of vaccines by product, economy, and arrangement type.
Ongoing	Database	<a href="#">Database of the Multilateral Leaders Task Force on COVID-19 Vaccines, Therapeutics, and Diagnostics</a>	Global data and country-by-country dashboards tracking and monitoring gaps to support access to vaccines, treatments, and tests in developing countries. Developed jointly by the World Bank, WTO, WHO and IMF.
Ongoing	Database	<a href="#">Inventory of COVID-19 Information Resources</a>	List of resources managed by international organizations, non-governmental organizations, academics, and the private sector.
Ongoing	Database	<a href="#">WTO COVID-19 Trade Facilitation Repository</a>	Initiatives, guidelines, case studies, and other information developed by partners to help maintain the flow of safe cross-border trade during the pandemic.
Ongoing	Database	<a href="#">COVID-19: Measures regarding trade related intellectual property rights</a>	Non-exhaustive compilation of measures related to intellectual property rights (IPRs) taken by Members in the context of the COVID-19 crisis. Certain information restricted to WTO Members and Observers.
Ongoing	Database	<a href="#">COVID-19: Measures affecting trade in goods.</a>	Non-exhaustive compilation of trade and trade-related measures affecting trade in goods taken by Members in the context of the COVID-19 crisis. Certain information restricted to WTO Members and Observers.
Ongoing	Database	<a href="#">COVID-19: Agricultural Measures</a>	Non-exhaustive compilation of measures taken by Members in the context of the COVID-19 crisis targeting agricultural products, extracted from the database. Certain information restricted to WTO Members and Observers.
Ongoing	Database	<a href="#">COVID-19: Measures affecting trade in services</a>	Non-exhaustive compilation of measures related to services taken by Members in the context of the COVID-19 crisis. Certain information restricted to WTO Members and Observers.
Ongoing	Database	<a href="#">COVID-19: Support measures</a>	Non-exhaustive compilation of support measures taken by Members in the context of the COVID-19 crisis.
Ongoing	Database	<a href="#">WTO Members' Notifications on COVID-19</a>	List of notifications submitted by Members to WTO bodies relating to COVID-19, searchable by keyword, date, Member, and communication type.
Ongoing	Database	<a href="#">COVID-19 Proposals</a>	This regularly updated table compiles WTO Members' proposals and statements on COVID-19 and world trade.
Forthcoming (10/2022)	Information note	Overview of COVID-19-related discussions in the TBT Committee	The note explores, through the review of notified regulatory measures and discussions in the TBT Committee, how WTO Members used regulatory trade measures in responding to the COVID-19 pandemic.
29/08/2022	Report	<a href="#">Trade Therapy: Deepening cooperation to strengthen pandemic defenses</a>	This joint report with the World Bank studies how to leverage trade to support global health security. It provides new data on the role of trade in medical goods and services and of medical value chains in the past decade; surveys the evolving policy landscape affecting trade in medical goods and services before and after the COVID-19 pandemic; and proposed an action plan to improve trade policies and deepen international cooperation to deal with future pandemics.
27/07/2022	Report	<ul style="list-style-type: none"> <li>• Policy note: <a href="#">Tackling illicit trade in medical products – better international cooperation for better health</a></li> <li>• Working Paper: <a href="#">Leveraging WTO rules to combat illicit trade in medical products</a></li> </ul>	This report discusses illicit trade in medical products, the relevance of WTO disciplines and the WTO's role in countering the problem and enhancing cooperation and capacity building. It is complemented by a technical Secretariat working paper that discusses the topic in further detail.

Date	Type	Title	Description
19/07/2022	Information note	<a href="#">Trade in Medical Goods in the Context of Tackling COVID-19: Developments in 2019-21</a>	This report presents the developments in the trade in medical goods over the three-year period from 2019, when the SARS-CoV-2 virus, which went on to cause the COVID-19 pandemic, was first identified, through to 2021.
07/06/2022	Information note	<a href="#">Update: Joint Indicative List of Critical COVID-19 Vaccine Inputs for Consultation</a>	The joint indicative list seeks to compile information on the critical inputs for the manufacturing, distributing, and administering of COVID-19 vaccines that has been produced by several organizations. It was first compiled by the WTO Secretariat as a working document to facilitate discussions at the WTO COVID-19 Vaccine Supply Chain and Regulatory Transparency Symposium that took place on 29 June 2021.
20/04/2022	Report	<a href="#">Accelerating COVID-19 Vaccine Deployment: Removing obstacles to increase coverage levels and protect those at high risk</a>	Identifies priority actions and recommendations to accelerate vaccine deployment. Commissioned by G20 Finance Ministers and Central Bank Governors and prepared by the WHO and World Bank with GAVI, IMF, UNICEF, and WTO.
18/01/2022	Staff Working paper	<a href="#">Innovation and patenting activities of COVID-19 vaccines in WTO members: Analytical review of Medicines Patent Pool (MPP) COVID-19 Vaccines Patent Landscape (VaxPaL)*</a>	Analyses 74 patent families covering subject matter relevant to ten COVID-19 vaccines, which accounted for 99% of global COVID-19 vaccine production as of 31 December 2021.
14/12/2021	Information note	<a href="#">Trade in Medical Goods in the Context of Tackling COVID-19: Developments in the first half of 2021</a>	Provides trade statistics for medical goods for the first half of 2021 and makes comparisons with data from 2019 and 2020. Includes special case study on selected vaccine administration products (rubber gloves, syringes, needles). Third update in series (initial note 03/04/2020, first update 22/12/2020, second update 30/06/2021).
08/10/2021	Information note	<a href="#">COVID-19 vaccine production and tariffs on vaccine inputs</a>	Analyses MFN applied tariffs and 2020 imports of inputs for vaccine manufacturing by the 27 top vaccine manufacturing economies to identify possible sensitive or "choke" points.
08/10/2021 20/07/2021 08/10/2021	Information note	<a href="#">Update: Indicative list of trade-related bottlenecks and trade-facilitating measures on critical products to combat COVID-19</a>	Identifies possible trade-related bottlenecks and trade-facilitating measures on critical products to combat COVID-19, including inputs used in vaccine manufacturing, vaccine distribution and approval, therapeutics, and pharmaceuticals, diagnostics, and medical devices. Updated version of <a href="#">initial note of 20/07/2021</a> and of <a href="#">08/10/2021</a>
08/10/2021	Infographic	<a href="#">The global race to vaccinate</a>	Depicts "fast track" and "slow track" processes for moving a COVID-19 vaccine from the factory to the final recipient.
30/08/2021 01/07/2020	Information note	<a href="#">Update: An integrated health, trade, and IP approach to respond to the COVID-19 pandemic</a>	Maps challenges posed by the pandemic in relation to integrated health, trade and IP policy frameworks. Standalone extract from second edition of the trilateral study, <a href="#">"Promoting Access to Medical Technologies and Innovation: Intersections between public health, intellectual property and trade"</a> , prepared jointly by WHO, WIPO and WTO. Updated version of <a href="#">note of 01/07/2020</a> .
13/07/2021	Information note	<a href="#">Joint indicative list of critical COVID-19 vaccine inputs for consultation</a>	Provides information on critical inputs for manufacturing, distributing, and administering COVID-19 vaccines. Working document developed with collaborators to facilitate discussions at the <a href="#">WTO COVID-19 Vaccine Supply Chain and Regulatory Transparency Symposium of 29 June 2021</a> .
01/07/2021	Information note	<a href="#">Improving trade data for products essential to fight COVID-19: A possible way forward</a>	Discusses shortcomings in available trade data for many products needed to combat the COVID-19 pandemic, including vaccines and their components, and proposes actions that could be taken by the international community to improve data quality to create a more solid basis for COVID-19 trade policy.
30/06/2021	Information note	<a href="#">Trade in medical goods in the context of tackling COVID-19: Developments in 2020</a>	Provides 2020 trade statistics for medical goods from around 100 economies and makes comparisons with 2019. Includes special case study on diagnostic reagents and test kits. Second update in series (initial note 03/04/2020, first update 22/12/2020, third update 14/12/2021).



Date	Type	Title	Description
14/01/2021	Staff Working paper	<a href="#">Trade finance, gaps and the COVID-19 pandemic: A review of events and policy responses to date*</a>	Considers pandemic-related trade financing developments in 2020, responses by governments, central banks, export credit agencies, and international financial institutions, and identifies future challenges.
11/01/2021	Staff Working paper	<a href="#">COVID-19 and global value chains: a discussion of arguments on value chain organization and the role of the WTO*</a>	Analyses the reasons for changes in global value chains as a result of COVID-19 both from a positive angle, analysing expected changes in the behaviour of firms, and from a normative angle, assessing the different arguments for policy interventions by governments.
22/12/2020	Information note	<a href="#">Developing and delivering COVID-19 vaccines around the world: An information note about issues with trade impact</a>	Provides background information on immunization and the development of COVID-19 vaccines; an infographic overview of the development and delivery of vaccines; and details on where key decisions with trade impact may need to be made along the vaccine value chain. Includes a non-exhaustive list of useful resources to inform decision-making.
22/12/2020	Information note	<a href="#">Trade in medical goods in the context of tackling COVID-19</a>	Provides preliminary trade statistics for medical goods from 97 economies for the first half of 2020 and makes comparisons with 2019 and 2018. Includes special case study on face masks. First update in series (initial note 03/04/2020, second update 30/06/2021, third update 14/12/2021).
04/12/2020	Information note	<a href="#">Standards, regulations and COVID-19 – What actions taken by WTO members?</a>	Describes standards and regulations notified by Members under the TBT and SPS agreements in 2020 in response to the pandemic, most of which affect trade in personal protective equipment (PPE), food, medical equipment, plant products and live animals.
20/11/2020	Checklist	<a href="#">Developing &amp; delivering COVID-19 vaccines around the world: A checklist of issues with trade impact</a>	Identifies trade-related issues along the COVID-19 vaccine value chain to aid the development of trade policies that support vaccine development and distribution. Companion to infographic "".
20/11/2020	Infographic	<a href="#">Developing &amp; delivering COVID-19 vaccines around the world</a>	Graphically depicts trade-related considerations along the COVID-19 vaccine value chain. Companion to "Developing & delivering COVID-19 vaccines around the world: A checklist of issues with trade impact".
03/11/2020	Information note	<a href="#">Future resilience to diseases of animal origin: The role of trade</a>	Summarizes current issues, status of legal frameworks, and planned future actions to control the spread of zoonoses through trade. Includes a section on COVID-19.
21/10/2020	Staff Working paper	<a href="#">Patent-related actions taken in WTO members in response to the COVID-19 pandemic*</a>	Provides an overview of patent landscape of medical treatments and technologies related to COVID-19, and the patent status of two investigational medical treatments; patent-related actions taken in Members since the outbreak; patent-related policy options provided by TRIPS; and Members' national implementation and utilization of these options in their response to the pandemic.
15/10/2020	Information note	<a href="#">The TRIPS Agreement and COVID-19</a>	Discusses role of the IP system and contributions it can make to addressing COVID-19, including policy options and flexibilities as implemented in domestic law; summarizes measures taken by Members within the IP framework since the start of the crisis.
24/09/2020	Information note	<a href="#">Helping MSMEs navigate the COVID-19 crisis</a>	Describes impact of the COVID-19 crisis on micro, small and medium-sized enterprises (MSMEs), measures Members have implemented and should consider to support MSMEs, and the role of the WTO as a forum for MSME-supportive work.
18/09/2020	Information note	<a href="#">How WTO members have used trade measures to expedite access to COVID-19 critical medical goods and services</a>	Surveys Members' trade measures to expedite access to COVID-19-critical medical goods and services, including: eliminating or deferring duties, taxes, and charges; streamlining border clearance; enhancing regulatory cooperation; facilitating the international movement of health workers and telemedicine; new, streamlined, or clarified rules for emergency government procurement activities; and IP measures to foster innovation and development of new treatments and vaccines.
26/08/2020	Information note	<a href="#">COVID-19 and agriculture: A story of resilience</a>	Discusses trends in agricultural markets and trade during the first few months of the pandemic, trade measures taken by Members to address the impact of

Date	Type	Title	Description
25/08/2020	Information note	<a href="#">Cross-border mobility, COVID-19 and global trade</a>	COVID-19 on the agricultural sector, food security, and the impact of trade policies. Summarizes mobility-related measures implemented by Members, their trade impact and subsequent refinement as the pandemic entered a new phase, and possible international cooperative paths to building trade resilience for the future. Draws and builds upon "Trade in services in the context of COVID-19".
12/08/2020	Information note	<a href="#">Trade costs in the time of global pandemic</a>	Applies insights from a <a href="#">WTO trade costs</a> project and available real-time indicators to outline how travel restrictions, border closures, and other COVID-19 mitigation measures may affect trade costs.
03/08/2020	Information note	<a href="#">The economic impact of COVID-19 on women in vulnerable sectors and economies</a>	Discusses why the economic impact of COVID-19 is likely to affect women disproportionately (especially those in LDCs and developing economies); identifies government support measures that aid women; and discusses how trade could benefit women during the COVID-19 recovery.
08/06/2020	Information note	<a href="#">The COVID-19 pandemic and trade-related developments in LDCs</a>	Describes pre-pandemic trends in LDC trade, publicly available information regarding the impact of the pandemic on sectors significant to select LDC economies, and the possible impact of Members' trade-related measures and domestic and international support measures.
28/05/2020	Information note	<a href="#">Trade in services in the context of COVID-19</a>	Describes the early impact of the COVID-19 pandemic on trade in services in different sectors and modes of supply.
04/05/2020	Information note	<a href="#">E-commerce, trade and the COVID-19 pandemic</a>	Assesses the e-commerce landscape in the early days of the pandemic, including: measures taken by Members to facilitate e-commerce in goods; supply chain disruptions; increased demand for digital education, health, media, and payment services; and challenges relating to consumer protection, compliance with health and safety regulations, and the digital divide. Summarizes relevant WTO work.
27/04/2020	Information note	<a href="#">The treatment of medical products in regional trade agreements</a>	Analyses exports and imports of medical products with RTA partners versus the rest of the world by the top 10 global exporters, tariff commitments for medical products under 174 notified RTAs, and RTA provisions on technical barriers to trade (standards, regulations, and conformity assessments) applicable to pharmaceutical and medical products.
23/04/2020	Information note	<a href="#">Export prohibitions and restrictions</a>	Summarizes main WTO rules on export prohibitions and restrictions, including carve-outs and exceptions, and relevant transparency provisions; maps out export prohibitions and restrictions introduced by Members since the beginning of the pandemic and their possible economic impact; and discusses improving international cooperation in the area of export prohibitions and restrictions.
07/04/2020	Information note	<a href="#">Transparency – Why it matters at times of crisis</a>	Discusses the importance of transparency and information sharing in the context of the COVID-19 pandemic; provides overview of transparency in the multilateral trading system, including the Trade Policy Review Mechanism and provisions in various WTO agreements.
03/04/2020	Information note	<a href="#">Trade in Medical Goods in the Context of Tackling COVID-19</a>	Provides comprehensive overview of global trade in, and tariffs imposed on, medical goods. Associated data available as an <a href="#">Excel download</a> and through a <a href="#">data visualization app</a> and <a href="#">WTO Stats</a> . Initial note in series (first update 22/12/2020, second update 30/06/2021, third update 14/12/2021).

\*Disclaimer: The opinions expressed in these papers are those of the authors. They are not intended to represent the positions or opinions of the WTO or its members and are without prejudice to Members' rights and obligations under the WTO. Any errors are attributable to the authors.

## ANNEX 2

### WTO SECRETARIAT INFORMATION SHARING SESSIONS AND WORKSHOPS

(Update, 6 September 2022)

Date	Title	Description
18/07/2022	<a href="#">Committee on Market Access - Third Experience-Sharing Session on COVID-19 related goods</a>	At the third experience-sharing session organized by the Committee on Market Access on 18 July, WTO members shared practices on measures aimed at easing trade in COVID-19 goods under the purview of the Committee, including in relation to tariff suspensions, reductions, or eliminations. Members explained the diverse trade policy decisions they took to ensure that their populations and the rest of the world could have access to products essential to save lives and to limit disruptions to supply and distribution of these goods.
20/05/2022	<a href="#">"Finance and Trade Lessons from the Pandemic — Looking Forward"</a>	A virtual event organized by the WTO on 20 May looked at the finance and trade lessons learned from the COVID-19 pandemic over the past two years. The event was attended by representatives and government officials from WTO Members and Observers with responsibilities relating to the implementation and negotiation of trade, intellectual property, finance and public health issues.
26/04/2022	<a href="#">Committee on Market Access - Second Experience-Sharing Session on COVID-19 related goods</a>	In the second experience-sharing session on COVID-19-related goods some members reported on how they have organized their national statistical systems to monitor and measure trade in essential goods to combat COVID-19 since the beginning of the pandemic. Members also shared the problems faced in data monitoring and collection and how they were addressed.
04/03/2022	<a href="#">Committee on Market Access - First Experience-Sharing Session on COVID-19-related goods</a>	Members engaged in an open discussion aimed at better understanding how they defined their lists of "essential goods" to combat COVID-19 and the challenges they face with tariff classification. The meeting was the first of a series of sessions in which members will exchange views and lessons learnt from the pandemic and how the international trade community can be better prepared for future crises.
28/02/2022	<a href="#">Second WHO, WIPO, WTO workshop on innovation in, and access to, COVID-19 technologies</a>	Joint workshop on accessing and using information resources developed by WTO, WHO and/or WIPO and other stakeholders to support Members in addressing and recovering from the pandemic.
11/02/2022	<a href="#">Technical workshop on COVID-19 Vaccines R&amp;D, Manufacturing and Distribution</a>	Technical workshop focused on practical aspects of COVID-19 vaccine R&D, manufacturing, regulatory approval, distribution, and coordination of vaccination campaigns.
28/01/2022	<a href="#">Committee on Market Access - Information Session on Trade in COVID-19 Related Goods</a>	Informal update to the Committee on Market Access on Secretariat work, including information notes and new tools, in relation to trade in medical goods, trade in COVID-19 vaccines, and trade-related bottlenecks and trade-facilitating measures on critical products to combat COVID-19.
25/11/2021	<a href="#">DG information session on access to COVID-19 vaccines and WTO-IMF COVID-19 Vaccine Trade Tracker</a>	DG briefing for Members and Observers on WTO Secretariat work to support equitable access to COVID-19 vaccines. Secretariat presentation of <a href="#">IMF-WTO COVID-19 Vaccine Trade Tracker</a> .
12/10/2021	<a href="#">Access to COVID-19 Vaccines: WTO collaborative initiatives and analysis on supply chains and tariffs</a>	DDG briefing for Members and Observers on Secretariat's contribution to a range of collaborative initiatives, including the <a href="#">Multilateral Leaders Task Force on COVID-19</a> , <a href="#">WHO, WIPO, WTO Trilateral Cooperation</a> , the <a href="#">COVAX Manufacturing Task Force</a> , and the <a href="#">Access to COVID-19 Tools (ACT) Accelerator</a> .
27/09/2021	<a href="#">WHO, WIPO, WTO workshop on Innovation in, and Access to, COVID-19 Technologies</a>	Joint workshop for policymakers and experts from WHO, WIPO and WTO Members focused on IP licensing, technology transfer, and sharing of know-how and clinical trial information, aiming to strengthen capacity to address the COVID-19 pandemic.
26/05/2021	<a href="#">2021 trade and public health webinar: Delivering medical technologies and vaccines to end users</a>	A panel of experts discussed trade in medical goods and services during pandemic times, facilitating cross-border movement of vaccines, and ensuring successful delivery and use of medical technologies and vaccines.
19/05/2021	<a href="#">2021 trade and public health webinar: Access to Medical Technologies - Government, Industry, Civil Society, Academia and IGO Perspectives</a>	A panel of experts shared different perspectives on access to medical technologies over the past 25 years, touching upon developments, challenges and catalysts; cooperation and partnerships; transfer of technology and know-how and sharing of data; building local or regional capacity; and empirical foundations for effective and informed decision-making.

Date	Title	Description
12/05/2021	<a href="#">2021 trade and public health webinar: Dissemination of health technologies</a>	A panel of experts discussed the impact of the TRIPS Agreement on health technology diffusion over the past 25 years, as well as practical considerations and policies on innovation, IP sharing, and local production.
21/10/2020	<a href="#">WTO workshop on health, trade and intellectual property: an integrated approach to COVID-19</a>	Technical workshop to support WTO Members and Observers in building capacity to assess and review domestic health systems, IP regimes and trade policy settings to address the COVID-19 pandemic. Introduced the second edition of the WHO-WIPO-WTO study " <a href="#">Promoting Access to Medical Technologies and Innovation</a> ".
24/06/2020	<a href="#">SPS Committee information-sharing session on COVID-19</a>	Informal information-sharing session with a Secretariat overview of documents submitted by Members in relation to COVID-19, an STDF presentation on its COVID-19 response, and updates from Members, the three relevant international standard setting bodies (Codex Alimentarius, the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC)), WHO and other observers.