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Convening: Sharing experience and reviewing policy responses



The convening power of a multilateral organization such as the WTO becomes even more valuable in a truly global crisis such as the COVID-19 pandemic. Given the need for a coordinated response involving diverse stakeholders, and

drawing on technical and policy information and analysis from a wide range of expertise and practical experience, new forms of cooperation are required.

From an early stage in the pandemic, members actively took up COVID-19 issues in the core bodies of the WTO, in line with their distinct mandated policy areas. The WTO councils and committees adapted existing transparency and consultation mechanisms to the exceptional needs of the pandemic response, for instance through thematic sessions for members on specific COVID-19 issues.

In addition, WTO members, the Secretariat and WTO Director-General Ngozi Okonjo-Iweala initiated or engaged with a wide range of *ad hoc* or focused consultation and information-sharing processes, addressing specific challenges posed by the pandemic and drawing on insights from other stakeholders, including health policy experts and representatives of industry and civil society. New consultative and information-sharing networks were also established, and existing networks reinforced or intensified, to maximize the flow of information and practical experience, particularly at the peak of the pandemic.

From an early stage in the pandemic, members actively took up COVID-19 issues in the core bodies of the WTO.

Convening: WTO Councils and Committees

Reflecting the full range of trade-related issues raised by the pandemic, members took up the impact and implications of COVID-19 in almost all WTO councils and committees, in line with their distinct mandates and expertise. This work spanned traditional market access issues, trade facilitation, regulatory implications, the impact on services trade, government procurement and the IP system. The work was informed by the transparency and monitoring processes described in Section 1 (Clarifying), ensuring that it was grounded in practical experience and empirical data.

Council for Trade in Goods

The *Report on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics*, prepared by the Council for Trade in Goods and its subsidiary bodies,⁴⁶ outlined the full range of work undertaken by these entities. It describes how 10 distinct bodies dealing with aspects of trade in goods held dedicated meetings or experience-sharing sessions on pandemic issues, alongside their consideration of COVID-19 in regular formal and informal sessions.

Committee on Market Access

The Committee on Market Access (CMA) took up issues related to the pandemic in May 2020, in the context of an informal meeting which reviewed Secretariat information notes,⁴⁷ shared members' experiences and discussed notifications concerning export restrictions and prohibitions,⁴⁸ as well as specific communications dealing with unilateral trade measures aimed at easing the importation of COVID-19 essential goods. This work continued, for instance, through an information session on trade in COVID-19-related goods,⁴⁹ with the presentation of five Secretariat reports and the WTO-IMF COVID-19 Vaccine Tracker.

Based on inputs received from members, the CMA agreed to organize six successive experience-sharing sessions to discuss the topics identified by members, taking a flexible, bottom-up approach. At these sessions, members volunteered to present information and data on their national experiences in relation to the relevant topics; summaries of discussions were then circulated as reference materials.⁵⁰

The World Customs Organization (WCO) participated in the first two sessions, concerning classification and monitoring of trade in COVID-19 goods, in view of the close relationship between these topics and the Harmonized System (HS). As a result of these experience-sharing efforts, the CMA adopted a document on lessons learned from these sessions on trade in COVID-19-related goods.⁵¹ This document, which aimed to help guide members' responses to future crises, strengthened collaboration with the WCO for the improved customs classification of essential medical goods in the next version of the HS nomenclature.⁵²

Committee on Sanitary and Phytosanitary Measures (SPS Committee)

The 12th Ministerial Conference (MC12) Sanitary and Phytosanitary (SPS) Declaration⁵³ instructed the SPS Committee to launch a work programme to identify challenges in the implementation of the SPS Agreement,

the mechanisms available to address them and the impacts of emerging challenges. The SPS Committee established five thematic groups to undertake this work which held several meetings between September 2022 and May 2023.

The SPS Committee consulted with a wide range of stakeholders, including the international standard-setting bodies, other SPS Committee observer organizations, members' competent authorities, agricultural producers, food manufacturers and traders, and the Standards and Trade Development Facility, among others.

The SPS Committee held a thematic session on risk communication, misinformation and disinformation on 14 November 2023.⁵⁴ The session explored concepts surrounding information manipulation and their relevance within the context and implementation of the SPS Agreement.

Members had access to all the information on a dedicated web page,⁵⁵ and all documents related to the MC12 SPS Declaration were made available on the ePing SPS & TBT Platform.⁵⁶

Committee on Technical Barriers to Trade

Members discussed and shared their experiences on COVID-19-related matters in the Committee on Technical Barriers to Trade (TBT Committee) in various formats, including thematic sessions on technical assistance and on conformity assessment procedures. Discussions covered trade-facilitating measures and regulatory flexibilities introduced in the context of the pandemic, technical assistance and capacity-building projects, development of and access to standards, and the role of accreditation.

Building on the experiences shared in the TBT Committee, in the context of the Ninth Triennial Review of the TBT Agreement in 2021, the Committee agreed:

*“with a view to improving future pandemic preparedness, to examine and compile best practices for: understanding international standards; streamlining conformity assessment procedures (including temporary or emergency alternatives) to facilitate trade in select essential medical goods, including vaccines, during pandemics; and, enhancing international regulatory cooperation.”*⁵⁷

At the request of members,⁵⁸ the Secretariat prepared a background document on the COVID-19-related work of the TBT Committee and presented it to the Committee in July 2022.⁵⁹ This document reviewed various topics: the TBT Committee's discussions on COVID-19-related technical barriers to trade notifications and on specific

trade concerns (STCs) relating to COVID-19; members' sharing of experiences on COVID-19-related matters in the TBT Committee; WTO Secretariat work relating to COVID-19 and TBT; and inputs from observers on COVID-19-related matters in the TBT Committee; as well as reviewing TBT-related discussions in other WTO bodies on COVID-19-related matters.⁶⁰

COVID-19 has been mentioned in 54 STCs⁶¹, the vast majority of which were not linked to COVID-19-related notifications or medical goods but rather concerned the significant impacts of the pandemic on members' economies. These included difficulties complying with regulatory requirements and performing conformity assessment procedures, and the overall impact on work in the areas of standards and regulations.

Many members requested that entry into force of new regulatory requirements be postponed, that transition periods be extended or asked for more flexible timeframes to implement or adapt to new regulatory measures, citing compliance difficulties due to COVID-19. In this context, certain members reported having extended enforcement dates of regulatory measures to give businesses additional time to adapt to new rules and allow members to focus on responding to the pandemic.

Members raising STCs noted that COVID-19-related restrictions and uncertainty as to when such restrictions would be lifted made it burdensome or even impossible to perform conformity assessment procedures. Members said it was difficult to meet testing, on-site inspections and certification requirements. As a result, members tended to request that enforcing members temporarily relax certain aspects of proposed or adopted conformity assessment procedures (e.g. exemption from the factory visit requirement; exemption period from national testing and certification requirements or suspension of the requirement to stamp and legalize documents submitted for registration by exporting factories).

COVID-19 was also cited by various members in relation to the need for taking temporary alternative trade-facilitating measures. Examples of this included factory inspections carried out remotely; paper-based audits; authorization of qualified inspection bodies located in the exporting economy to perform on-site factory visits; and acceptance of test results from a third-party laboratory, the third-party certification body of other members or recognized third-party certification experts, instead of testing the products in a designated body in the importing economy.

Consequently, certain enforcing members reported the adoption of these kinds of measures, such as the postponement of factory visit requirements for obtaining conformity certificates, or use of remote assessment

technologies in the context of conformity assessment procedures, or reduction of costs for conformity assessments.

Members stressed the challenges faced by developing economies in addressing the pandemic due to the lack of resources.

More generally, members cited the impact of COVID-19 on their work in the areas of standards and regulations overall (e.g. the lack of capacity to analyse draft regulatory requirements), which in some cases caused delays in regulatory processes. Members also stressed the challenges faced by developing economies in addressing the pandemic due to lack of financial and other resources. Other members emphasized the importance of international cooperation for tackling COVID-19, including by the promotion of standards and regulations that facilitate rather than create obstacles to trade.

Committee on Agriculture

In June 2020, responding to members' specific requests, the Committee on Agriculture (CoA) convened a special meeting focusing on COVID-19 and agricultural trade policies within the framework of the Agreement on Agriculture.⁶² The discussions were organized based on specific contributions by members on COVID-19 and agriculture, as well as advance written questions on COVID-19 and agricultural trade policies within the setting of commitments under the Agreement. Members underscored the importance of transparency and of the monitoring of COVID-19 agricultural measures, and agreed to include "COVID-19 and agriculture" as a standing item on the agenda of future CoA meetings.

During the June 2020 special CoA meeting, members expressed interest in inviting experts from other international organizations, to benefit from their work on the monitoring and analysis of COVID-19 agricultural measures. The Secretariat accordingly organized an information session in the margins of the July meeting of the CoA and invited the Food and Agriculture Organization of the United Nations (FAO), the International Food Policy Research Institute, the International Grains Council and the International Trade Centre, to present their COVID-related work.

Subsequent discussions under the standing agenda item were based on members' submissions, including specific

reports on the measures taken in the agricultural sector in response to the pandemic as well as contributions by international observer organizations. From September 2022, discussions were guided by the mandate set by the Pandemic Declaration. The CoA also addressed COVID-19-related matters, as relevant, in the context of the implementation of the Ministerial Decision on World Food Programme food purchases exemption from export prohibitions or restrictions⁶³ and the Ministerial Declaration on the emergency response to food insecurity.⁶⁴

Committee on Trade Facilitation

In September 2020, the Committee on Trade Facilitation (CTF) held an informal meeting to discuss members' trade-facilitation measures regarding the COVID-19 pandemic. Twenty members informed the CTF of the measures that they had implemented, and several external stakeholders also presented their views. Following this meeting, members continued the practice of sharing their experiences in responding to the pandemic under the regular sessions of the CTF.

Panel discussions aimed to identify future work the Committee on Trade Facilitation could undertake to streamline procedures and expedite humanitarian shipments.

In 2023, the CTF convened two informal panel discussions, organized by the United States, called "Disaster Preparedness: A View from the Border", to share experiences and highlight the challenges that WTO members, aid agencies and non-governmental organizations face in moving humanitarian aid and relief supplies across international borders during times of disaster, whatever form it may take. The panel discussions aimed to identify future work the CTF could undertake to streamline procedures and expedite humanitarian shipments.

Eight members submitted transparency notifications under the Trade Facilitation Agreement to update the sources of information for measures undertaken to tackle the pandemic in the period 2020-2022.⁶⁵ At the request of members, the Secretariat prepared and continued to update a compilation of trade-facilitation measures implemented by WTO members and observers in response to COVID-19.⁶⁶ Since then, the Secretariat has updated this compendium, which has been circulated under the document series.

Council on Trade in Services

In 2020, the implications of the COVID-19 pandemic on services trade-related aspects of the pandemic were discussed, through an exchange of views between members; further to the meeting the Secretariat presented an information note on the issue. Members highlighted the importance of sharing experiences, including on trade-facilitation measures adopted to deal with the crisis and to promote economic recovery. Members discussed efforts to increase the digital capabilities of businesses and consumers in view of the growing importance of online services, especially during the COVID-19 crisis.

In the Special Session of the Committee on Trade in Services (CTS), members considered a communication submitted by a group of developing economies to discuss the impact of the pandemic on services sectors of vulnerable members, as well as related challenges and opportunities for trade in services. Further to the Pandemic Declaration, the CTS discussed several written submissions, and following consultations with members, organized a series of informal information-sharing sessions. The following areas were addressed in these sessions: transport and logistics services, health services, tourism services, information and communications technology, and digitally delivered services. The CTS reported on its activities to the General Council in December 2023,⁶⁷ including details of the first three information-sharing sessions and the Chair's concluding observations from each session, with the fourth session following in 2024.

Members shared experiences on trade-facilitating measures adopted to deal with the crisis and to promote economic recovery.

Intellectual Property: TRIPS Council

The Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) took up work on the interface between the IP system and COVID-19 from June 2020. The pandemic was covered in the context of its regular standing item on notifications and under a specific item on "IP Measures in the Context of COVID-19", with reference to a non-exhaustive list of some 87 domestic measures compiled by the Secretariat as part of the WTO's Trade Monitoring Exercise.

In successive sessions of the TRIPS Council, members exchanged information and experiences relating to

IP measures taken in the context of the pandemic and considered proposals tabled by members. This work included extensive debate over an initial proposal and a subsequent revised proposal for a waiver of certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19, first tabled in October 2020,⁶⁸ as well as several other submissions by members.⁶⁹

On 3 May 2022, the TRIPS Council Chair circulated a communication from Director-General Ngozi Okonjo-Iweala,⁷⁰ sharing with the wider membership the outcome of discussions among an informal group of ministers to give impetus to the Council's work. The draft outcome text set out clarifications and waivers of further provisions of the TRIPS Agreement for eligible members to authorize the use of patented subject matter required for the production and supply of COVID-19 vaccines, to the extent necessary to address the pandemic. It served as a basis for members' ensuing text-based negotiations leading to the 12th Ministerial Conference (MC12) Decision on the TRIPS Agreement.⁷¹

Following MC12, the TRIPS Council pursued negotiations on the possible extension of this Decision in line with the mandate set by ministers. The TRIPS Council's work also covered reports by members and international organizations on COVID-19-related technical assistance, and COVID-19 technology transfer programmes for least developed countries (LDCs) reported by certain developed economy members.

At the 13th WTO Ministerial Conference, convened in Abu Dhabi from 26 February to 2 March 2024, members adopted the Abu Dhabi Ministerial Declaration which reviewed the WTO's work on the pandemic and noted the importance of the MC12 Ministerial Declaration on the COVID-19 response. The 2024 Declaration called on WTO councils and committees to build on the lessons learned from the COVID-19 health emergency, with a view to greater preparedness in the face of future pandemics:

"We recall the Declaration in MC12 on the 'WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics' and take note of the work done in relevant WTO Councils and Committees, as reflected in the General Council report in document WT/MIN(24)/8. We encourage the relevant WTO bodies to continue their work as directed by the Declaration, based on Members' submissions, to review and build on all the lessons learned and the challenges experienced during the COVID-19 pandemic, to build effective solutions in case of future pandemics in an expeditious manner. We also note the work of the WTO Secretariat in supporting this work with data, analysis, and technical cooperation, including through trilateral cooperation with the World

Health Organization (WHO) and the World Intellectual Property Organization (WIPO), and cooperation with other relevant international organizations, and encourage it to continue doing so going forward, as appropriate.”

Convening: External Stakeholders

A comprehensive, inclusive and fully informed understanding of the impact of, and potential responses to, the pandemic required engagement with a wide range of organizations, initiatives and experts. Existing cooperative networks and partnerships with international organizations and international programmes rapidly turned to pandemic issues. These partnerships proved to be invaluable at many levels: gathering and collating information, including through new data tools; analysing the impact and policy implications of the pandemic, including through numerous joint publications; providing technical cooperation and policy support for members; and engaging the FAO in broader and more widely informed policy dialogues. Naturally this work included extensive engagement with the WHO, but also with United Nations specialized agencies such as WIPO, and other international organizations including the Organisation for Economic Co-operation and Development (OECD) and the WCO.

Specific initiatives to build on existing partnerships included the establishment at agency-head level of the Multilateral Leaders Task Force on COVID-19 vaccines, therapeutics and diagnostics, comprising the IMF, the World Bank Group, the WHO and the WTO. The leaders of the four organizations met periodically to coordinate and build cooperation, consulting also with Gavi and the United Nations Children’s Fund (UNICEF). The Task Force issued a joint statement concerning challenges to vaccine deployment and equitable distribution, setting out responses to those challenges. The existing trilateral cooperation on health, IP and trade between the WHO, WIPO and the WTO was intensified, extended and focused, in line with joint decisions of the three Directors-General, leading to a coordinated approach to mapping policy issues, sharing practical experiences and providing tailored technical assistance and policy support for members.

The convening role of the WTO also extended to engagement with industry, public health initiatives and civil society, again building on existing partnerships and forging new ones. In March 2021, WTO Director-General Ngozi Okonjo-Iweala took part in a Chatham House event – the “Global C19 Vaccine Supply Chain and Manufacturing Summit” – co-sponsored by COVAX, the Developing Countries Vaccine Manufacturers Network, the Biotechnology Innovation Organization and the International Federation of Pharmaceutical Manufacturers and Associations.

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This engagement extended the following month to a WTO-organized meeting, “COVID-19 and Vaccine Equity: What Can the WTO Contribute?”, bringing together government ministers and vaccine manufacturers from LDCs and developed and developing economies, together with international organizations, civil society and development finance institutions. The immediate goal of the meeting was to contribute to efforts to increase vaccine production and broaden access.

Specifically, the event pinpointed the obstacles, particularly the trade-related obstacles, to ramping up production, and to equitably distributing and administering vaccines, and considered how the WTO could contribute to these solutions. It drew together manufacturing capacity, technology holders and finance providers, and it considered IP issues and the necessary incentives for research and development, and for ensuring no economy was deprived of medicines.

Together with her counterparts on the Multilateral Leaders Task Force, Director-General Ngozi Okonjo-Iweala held high-level consultations with Gavi, the Global Lead Coordinator for COVID-19 Vaccine Country Readiness and Delivery, UNICEF and the heads of leading vaccine manufacturers, aimed at ensuring the rapid delivery of vaccines to where they were most needed.

This industry engagement extended to consultations between Directors-General, involving the heads of a

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Box 4. COVID-19 and trade in goods issues: external stakeholders' thematic session

The following stakeholders provided inputs to the informal thematic session of the TRIPS Council on the Extension of the MC12 Ministerial Decision on the TRIPS Agreement:

- Advanced Medical Technology Association
- Coalition for Epidemic Preparedness Innovations
- Codex Alimentarius Commission
- DHL
- Food and Agriculture Organization of the United Nations
- Global Alliance
- IMPACCT Working Group
- International Federation of Red Cross and Red Crescent Societies
- International Food Policy Research Institute
- International Grains Council
- International Medical Corps
- International Plant Protection Convention
- International Trade Centre Joint Accreditation System of Australia and New Zealand
- Medair
- Médecins sans Frontières
- Medtronic
- Organisation for Economic Co-operation and Development
- Phillips
- United Nations Children's Fund
- United Nations Population Fund
- United Nations Trade and Development
- Western Union
- World Bank
- World Customs Organization
- World Health Organization
- World Organisation for Animal Health

Source: Report on the WTO response to the COVID-19 pandemic and preparedness for future pandemics, WTO document G/L/1521, 1 December 2023.

range of companies engaged in the production of key COVID-19 therapeutics. These consultations drove discussions on improving access to these products, in view of the increased focus on therapeutics access, following the MC12 Decision on the TRIPS Agreement regarding vaccines.⁷² The consultations reviewed current challenges for expanding and diversifying production of therapeutics, and explored the potential role of trade policy tools in addressing and overcoming these challenges.

Director-General Ngozi Okonjo-Iweala also discussed with the CEO Advisory Committee of the International Generic and Biosimilar Medicines Association how to promote international health equity and access to therapeutics. This discussion was the basis for a continuing dialogue aimed at contributing to the fight against the pandemic and securing global public health beyond the current health crisis. The information gathered from these consultations provided the basis for analytical work carried out by the Secretariat on the indicative lists of trade-related bottlenecks, and trade-facilitating measures on critical products to combat COVID-19, published as information notes.

Furthermore, the work of WTO councils and committees on the pandemic outlined above, benefitted from extensive input from numerous, diverse stakeholders (see summaries in Boxes 4 and 5). A dedicated page was also published on the WTO website to provide access to papers issued by a wide range of business and civil society groups on various COVID-19 issues: more than 50 in all.⁷³

The work of WTO councils and committees on the pandemic benefitted from extensive input from numerous, diverse stakeholders.

Box 5. TRIPS and access to medicines: external stakeholders' inputs to thematic session

The following stakeholders provided inputs to the informal thematic session of the TRIPS Council on the Extension of the MC12 Ministerial Decision on the TRIPS Agreement*:

Data collection and analysis

Airfinity Ltd

FIND, Global alliance for innovation in diagnostics

Intergovernmental organizations and initiatives

Medicines Patent Pool

South Centre

World Health Organization

World Intellectual Property Organization

Civil society organizations

Health Justice Initiative

Initiative for Medicines, Access and Knowledge (I-MAK)

Innovation Council

Knowledge Ecology International

Medicines Law & Policy

Third World Network

Business

Biovac

BogotáBio

Ferozsons Laboratories Limited

Institut Pasteur de Dakar

Merck Sharp and Dohme (MSD)

Pfizer

Academics

Department of Global Health, Peking University

Harvard University

Max Planck Institute for Innovation and Competition

** Ministerial Decision on the TRIPS Agreement, WTO document WT/MIN(22)/30, 22 June 2022.*

Source: Council for TRIPS: Paragraph 8 of the Ministerial Decision on the TRIPS Agreement – Informal thematic session for external stakeholder input, Report by the Chair, WTO document IP/C/W/706, 23 October 2023.