FOR IMMEDIATE RELEASE
December 6, 2022

CONTACT: media@ustr.eop.gov

Remarks by Ambassador Maria Pagan at a WTO TRIPS Council Meeting

GENEVA – During a World Trade Organization (WTO) TRIPS Council meeting today, Deputy United States Trade Representative Maria Pagán announced the United States’ support for extending the December 17 deadline to decide whether to extend the WTO Ministerial Decision on the TRIPS Agreement to cover the production and supply of COVID-19 diagnostics and therapeutics. Ambassador Pagán announced that USTR will ask the United States International Trade Commission to launch an investigation to provide information on COVID-19 diagnostics and therapeutics. Ambassador Pagán also reiterated the United States’ commitment to work with WTO Members, the private sector, Congress, and other partners to facilitate the global health recovery needed for a robust global economic recovery.

Ambassador Pagán’s remarks as delivered are below:

Thank you, Chair.

The global impacts of the pandemic require countries and economies to work together to facilitate an equitable recovery.

To that end, the Biden Administration continues to work with WTO Members, the private sector, Congress, and other partners to facilitate the global health recovery needed for a robust global economic recovery.

For five months, USTR has held robust consultations with Congress, government experts, a wide range of stakeholders, multilateral institutions, and WTO Members. We also reviewed and analyzed published information, opinions, and analysis.

Those consultations have been constructive. Supporters and opponents of extending the Ministerial Decision to COVID-19 diagnostics and therapeutics provided extensive views and supporting arguments.

However, real questions remain on issues regarding market dynamics, including supply and demand, price points, the relationship between testing and treating, and production and access.
Before the WTO makes a decision on whether or not to extend the Ministerial Decision, more information is needed, which is why we will support an extension of the original December 17 deadline.

With the additional time, we will ask the US ITC to launch an investigation to help us understand these complex issues, gain more input from partners, and report their findings to USTR.

Based on available data and public input, the initial US ITC study will explore key issues, such as:

- An overview of the products, focusing on WHO-approved COVID-19 diagnostics and therapeutics, including key components, the production process, patent status, and a description of the supply chain (including the level of diversification in the supply chain);
- Information on the global manufacturing industry for these products, including information for key producing countries, major firms, and production data, if available;
- Information on the global market for COVID-19 diagnostics and therapeutics, including information on demand and, to the extent practicable, an assessment of where unmet demand exists for key products and contributing factors; market segmentation; and supply accumulation and distribution;
- Data and information on global trade in COVID-19 diagnostics and therapeutics, if available, or if not, data and information on global trade in diagnostics and therapeutics generally; and
- A brief overview/background of the relevant aspects of Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the United Nations (UN) Medicine Patent Pool (MPP) and a listing of countries seeking a waiver and those utilizing access to COVID-19 medicines under the MPP.

The United States respects the right of its trading partners to exercise the full range of existing flexibilities in the TRIPS Agreement, such as in Articles 30, 31, and 31bis, and the Doha Declaration on the TRIPS Agreement and Public Health, as well as the flexibilities in the Ministerial Decision.

These existing flexibilities are available as part of the effort to scale up the production and distribution necessary to overcome the challenges of the ongoing COVID-19 pandemic.

We believe that transparency is critical and will continue to consult with Congress, stakeholders, and others as we continue our consideration on whether to extend the Ministerial Decision to COVID-19 diagnostics and therapeutics.

###

U.S. Trade Representative Press Office