

**REPORT OF THE OPEN-ENDED WORKING GROUP OF MEMBER STATES ON
PANDEMIC INFLUENZA PREPAREDNESS: SHARING OF INFLUENZA
VIRUSES AND ACCESS TO VACCINES AND OTHER BENEFITS**

1. The Open-Ended Working Group of Member States on Pandemic Influenza Preparedness: sharing of influenza viruses and access to vaccines and other benefits reconvened in Geneva from 13 to 17 December 2010 and was co-chaired by Ambassador J. Gomez-Camacho (Mexico) and Ambassador B. Angell-Hansen (Norway), with the following vice-chairs: Mr Faiyaz Kazi (Bangladesh), Ms. Joanne Hamilton (Canada), Dr Mokhtar Warida (Egypt), Dr Masato Mugitani (Japan), Ms Jo Newstead (United Kingdom of Great Britain and Northern Ireland) and Mrs Petronellar Nyagura (Zimbabwe). The session was attended by 84 Member States and one regional economic integration organization.
2. The Open-Ended Working Group discussed the preliminary findings of the technical studies undertaken in accordance with resolution WHA63.1, which focused on four areas where Member States had indicated that further information was needed:¹ laboratory and surveillance capacity building, including that required under the International Health Regulations (2005); expanding influenza vaccines production capacity including under the Global Action Plan to Increase Supply of Pandemic Influenza Vaccines; increasing access, affordability and effective deployment of vaccines, antiviral agents, diagnostics and other materials for pandemic preparedness and response; and possible sustainable financing and solidarity mechanisms and other approaches to address the needs identified.
3. The Open-Ended Working Group engaged in constructive discussions and negotiations on the Pandemic Influenza Preparedness Framework and Standard Material Transfer Agreements (SMTA) for entities inside the WHO network, as well as a proposed Standard Terms and Conditions (STC)/SMTA for entities outside the WHO network. There seems to be an emerging consensus that WHO should play a leading role in a global pandemic influenza preparedness benefit sharing system.
4. In order to finalize the Framework on Pandemic Influenza Preparedness on the sharing of influenza viruses and access to vaccines and other benefits, including its annexes, the Working Group proposes to resume from 11 to 15 April 2011.
5. The Pandemic Influenza Preparedness Framework for the sharing of influenza viruses and access to vaccines and other benefits and its annexes (documents A62/5 Add.1 and A63/48), as amended, reflect the discussions and proposals of the Working Group and will be the bases for continued work.
6. Agreement was reached on a number of issues, including:
 - (a) The need to finalize the Framework for Pandemic Influenza Preparedness including its annexes.
 - (b) The implementation of multiple tools, interlinked as necessary, are needed to address the set of challenges associated with achieving pandemic influenza preparedness and response including, inter alia, as outlined in a preliminary way in the draft technical study. These may

¹ See paragraph 7 of A63/48.

include: separate, but complementary instruments for relevant materials, such as an SMTA within the WHO network, and an STC/SMTA for transfers outside the WHO network; strengthening all measures to increase global pandemic influenza vaccine supply, including through support for WHO's Global Pandemic Influenza Action Plan to Increase Vaccine Supply (GAP), and laboratory and surveillance capacity building including that required under the International Health Regulations (2005).

(c) The need for multiple sources of financing to address these challenges in the short-, medium-, and long-term, including strengthening existing sources/mechanisms of finance and examining the need for new sustainable/innovative financing mechanisms for the Pandemic influenza preparedness (PIP) benefit sharing system.

(d) To hold, during the intersession, consultations by the co-chairs with civil society, which will be open to all Member States and regional economic integration organizations. They will also hold consultations with industry representatives and with other key stakeholders, including scientific institutions, from developed and developing countries. The co-chairs will report back to the Open-Ended Working Group on their consultations, including through the Bureau meetings. The co-chairs will continue with informal consultations with Member States and regional economic integration organizations during the intersession.

(e) To hold informal consultations during the intersession, including through electronic means, which will be organized by the following Member States and on the following subject matter, respectively: Australia on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; Brazil on dispute resolution (SMTA inside the system); and India on definitions and use of terms. The Bureau will facilitate regional participation in the aforementioned consultations.

(f) Requests the Director-General to seek information from WIPO on PIP- related patents, including patent applications, in connection with the H5N1 virus and the pandemic (H1N1) 2009. Countries are invited to help with the patent research on this matter.

(g) To submit the report of the Open-Ended Working Group, the Framework and its annexes, as amended, through the Director-General to the Executive Board at its 128th session.

(h) To inform deliberations at the April 2011 meeting, the Director-General will finalize the report of the technical studies prepared in accordance with resolution WHA63.1, including a realistic assessment of short-, medium-, and long-term needs for pandemic influenza preparedness and response, and possible sources/mechanisms of financing, including existing sources/mechanisms, for each set of needs.

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