European Union
Statement

WHO
148th Session of the Executive Board
(18-26 January 2021)

Item 14.4. Nagoya Protocol
EU Statement

Geneva, 25 January 2021
Thank you Chair,

I deliver the statement on behalf of the EU and its Member States.

The Candidate Countries the Republic of North Macedonia*, Montenegro*and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine and the Republic of Modova align themselves with this statement.

The EU and its Member States would like to start with acknowledging the critical role the GISRS network and the non-WHO coordinated platforms such as the European Virus Archive, GISAID and GenBank have had in the monitoring of the COVID-19 virus by enabling efficient sharing of materials and genetic sequences. These platforms have proven they can render services for many diseases other than influenza and can as such be regarded as a global public good.

We thank the Secretariat for the comprehensive report on access to and benefit sharing of pathogens, within the context of the Nagoya Protocol, and beyond. We agree with the conclusion of the report that significant public health benefits can be drawn from timely and efficient pathogen and benefit sharing.

* The Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.
Despite the low participation rate, the survey carried out demonstrates clearly that there is a multitude of different contexts and approaches in pathogen sharing. A major part of these arrangements are, often without provisions for benefit sharing, based on local, personal, bilateral and other informal arrangements. Furthermore, there seems to be only limited clarity in differentiating the sharing of biological pathogen samples and genetic sequences. The picture is further blurred by the limited implementation of the non-compulsory pathogen related provisions of the Nagoya Protocol in the national access and benefit-sharing legislation of countries that are parties to the Protocol.

Obviously as a response to this complex or, if you like, confusing situation, WHO has recently announced the establishment of a WHO repository for biological materials. While waiting to learn more about this new initiative on pathogens and benefit sharing, we look forward to its development in a transparent process, in consultation with Member States.

Chair

The EU and its Member States would like to draw three conclusions:

First, it seems that pathogens, in particular in health emergencies, should not be treated the same way as other genetic resources.

Second, one can’t avoid getting the impression that the world is currently extremely vulnerable in the face of the legal uncertainty on timely access to pathogens in health emergencies, since this uncertainty could cause delay in access to diagnostics, therapeutics and vaccine.

Third, as there is an apparent need for improvement, we are looking forward to recommendations on timely pathogen and benefit sharing from the current review and assessment bodies, including the IHR-Review Committee;
Chair,

It is indispensable that the work by the Secretariat on approaches to pathogen and benefit sharing, including sharing of influenza viruses within the GISRS network, and their concrete impact on timely public health actions, needs to continue and that WHA should continue be informed of the results to take whatever concrete steps are collectively decided to be necessary.