



## STATEMENT

### 9<sup>th</sup> Meeting of the Intergovernmental Negotiating Body (INB)

18 MARCH 2024, GENEVA – A key lesson learned from COVID-19 was the importance of immediate and unconditional access to pathogens and their genetic information. This will be essential to allow scientists to respond rapidly to future pandemics and meet the ambition of the 100 Days Mission.

Stringent requirements for accessing pathogen data in the future would severely hinder responses to future pandemics and basic research and development (R&D). Conditions, uncertainties, and negotiations surrounding pathogen access will cause delays in the developing of medical countermeasures, leading to significant public health consequences.

We see the revised negotiating text as a step backward in finding solutions to improve pandemic preparedness and response (PPR). It includes a large number of disincentives for the industry to enter into a PABS system and makes industry's broad engagement in PPR even more risky and uncertain. If adopted as is, this text will deter researchers and manufacturers from working on pathogens with pandemic potential and stifle current and future innovation. A weakened innovation ecosystem will significantly impact global health preparedness and security.

We support a feasible and workable access-benefit-sharing scheme, and a multi-stakeholder partnership that attracts broad, universal participation. The system must be open and unmonopolized, integrating rather than replacing existing systems and networks. Governance of the PABS system needs to be inclusive via a partnership of all stakeholders, including industry. Finally, in order to foster legal certainty, the Accord must be established and legally recognized as a Specialized International Instrument in accordance with Article 4, Paragraph 4 of the Nagoya Protocol, thereby mitigating the delays caused by national ABS laws, but also incentivizing manufacturers to join the system in order to avoid conflicts with national ABS laws.

Other enablers such as the respect of intellectual property in pandemic times, support for tech transfer on voluntary and mutually agreed terms, the strengthening of regulatory agility and harmonization, and the removal of trade restrictions are key to harness and leverage industry's expertise and improve for PPR in general.

We continue to be committed to improving equitable access to medical countermeasures in pandemics. Building on the Berlin Declaration, the global biopharmaceutical industry, from both developed and developing countries as well as biotechs, released last week a new statement with its

commitments – both in pre-pandemic times and after a pandemic is declared -- to delivering equitable access to essential medical countermeasures. We urge Member States to build on this statement to develop a flexible and agile approach to equitable access using a menu of potential commitments that will enable a broad variety of industry stakeholders to contribute in view of its circumstances, such as its size, location, technology platform, research and development pipeline, or manufacturing capabilities.

Industry strongly supports the efforts to find consensus on a Pandemic Agreement and we reaffirm our full commitment to constructively contribute. We stand ready to cooperate and collaborate closely with Member States and other stakeholders to facilitate convergence toward successful outcomes in May.