

The Commission's pharma echo chamber

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HEALTH

Who meets the European Commission to discuss the scarcity of COVID vaccines and medicines in Europe and globally? An investigation of recent meetings show a disconcerting pattern: only those not questioning big pharma's monopoly on patents seem to be allowed in. While mega-philanthropist Bill Gates and the pro-patent lobby are a powerful force influencing the EU's response, proponents of COVID technology-sharing face closed doors.

The global pandemic is at a turning point. With disasters unfolding on a new scale in India, Brazil, Mexico, and beyond, it is clear that the global response to the pandemic has been catastrophic and inadequate. A new strategy to achieve global vaccination as fast as possible is desperately needed: and the monopolies granted to a few companies that currently decide who can produce the vaccines and who cannot, are being brought into question. At the World Trade Organization where a proposal from India and South Africa to temporarily suspend intellectual property rights is being debated – a so-called 'waiver from the agreement on intellectual property rights' (TRIPS) – the EU representatives from the Commission have so far mimicked the arguments of big pharmaceutical companies and their lobby groups for months, as explained in an [analysis](#) by Corporate Europe Observatory.

On the face of it, that now seems to be changing. Following the decision of US President Biden to open negotiations on a patent waiver, the President of the European Commission [has now said](#) the EU is now ready to "discuss any proposals that address the crisis in an effective and pragmatic manner". Following that statement, several EU member state governments have come out in support. This might be public pressure from a plethora of NGOs and social movements starting to work – it is definitely a step forward.

Still, it is far too early to assess if we will see real change in time. The European Union has [a long history of bullying other countries](#) to secure far-reaching pharma monopolies, and there is certainly nothing in the way the European Commission has addressed intellectual property rights during the pandemic that indicate a change of heart during the pandemic. Quite the contrary.

Building on our previous research, Corporate Europe Observatory has investigated who the Commissioners and their top civil servants in the cabinets have met with behind the scenes about the pandemic in recent months. As it turns out, the Commissioners almost exclusively meets with lobbyists who put Big Pharma's agenda first, whereas critical voices are not heard. The image is that of an echo chamber.

Given the increasing number of dissenting voices even within EU member states, will this finally be enough to break through the Commission's corporate echo chamber?

Closed doors to proponents of open access

A good example is the treatment given to Doctors Without Borders, Médecins Sans Frontières (MSF). MSF has worked tirelessly in making sure access to COVID vaccines, diagnostics, and treatments should be made equally available in lower and middle income countries. The organisation was quick to realize that boosting global production would be needed to ensure sufficient supply, and to do so would require a robust discussion on the role of intellectual property in this pandemic. Despite MSF's 20 years expertise on the issue (for example during the AIDS crisis) – and although the organization has itself provided medical support to several EU member states hit by the pandemic – a meeting request by MSF international President Dr Christos Christou with Health Commissioner Kyriakides was turned down, while a request for a meeting with Commissioner Dombrovskis didn't just fail, it was never even answered.

And MSF is not alone: Global Health Advocates (GHA), an NGO working on health, tried to meet with Ursula von der Leyen to explain some of the key flaws in the current global effort – the lack of funds and the obstacles to technology transfer among other things – following a letter they had sent in a partnership with Save the Children, Deutsche Stiftung Weltbevölkerung (D), and Aidsfonds (NL), among others. The meeting was refused. In the end, GHA had to settle for a meeting at a lower level in the hierarchy.

The catastrophe of inadequate vaccination

At the moment, the global effort to vaccinate the world's population is in a deep crisis – the scarcity of vaccines, medicines, and testing agents are playing a major role in fueling the tragedy we see unfolding. That is not a mere local issue, it is about how production and distribution is handled globally, and it is about how the international effort is organised.

The horrific scenes we are seeing in countries like India and Brazil – and that could spread further across the global south – are stark evidence that the core international programme for vaccines and medicines distribution, COVAX, will not and cannot meet expectations. The way things are going, half of the countries in the globe [will not see a comprehensive vaccination programme](#) within the next two years, and in Africa only a handful of the 48 nations have fully vaccinated even one percent of their populations. The vow from COVAX to ensure equal access and at the same time for everyone, is a far cry from reality.

In response, the movement calling for technology-sharing of vital COVID vaccines and treatments through waiving of global rules on intellectual property rights is gaining

strength, culminating so far in statements from the US and the EU that both sides are prepared to talk, a first step to address the need to revisit the rules that guarantee the owners of patents on vaccines and medicines a monopoly on their product for years to come. Allowing manufacturers in the global south and elsewhere to produce vaccines, medicines, and testing equipment is the alternative that surely must be considered by those in power in the European Union.

Massive pharma presence

But not if you ask the European Commission, apparently.

Corporate Europe Observatory has gone through the lists of meetings held by the five Commissioner's with a direct stake in vaccines and medicines, namely President von der Leyen, Health Commissioner Kyriakides, Trade Commissioner Dombrovskis, Commissioner for international partnerships Jutta Urpilainen, and Single Market Commissioner Breton. Focusing on the meetings that could relate to the current state of production and distribution of vaccines and medicines since October 2020, a clear pattern emerges: the door is open mostly to pharmaceutical companies and their lobby groups, and to those that helped develop the global voluntary vaccine sharing setup, COVAX, that has proved inadequate.

From 1 March 2020, pharmaceutical companies had 44 meetings with Commissioners, and pharma associations had 117 encounters. Some of these meetings were bigger gatherings with industry on supplies of medicines and protective equipment in the early stages of the pandemic, and under those particular circumstances, it is likely that intellectual property rights did not emerge as a theme at the meetings, but they do give a good idea about the environment in which these discussions unfold: one where Commissioners and their cabinet are constantly meeting with pharma lobbyists with clear views on the matter.

The role of generic producers

Some of the meetings above do include generic producers. In particular, Medicines for Europe, an association of generic manufacturers, has enjoyed the company of Commissioners at 20 meetings, 17 of which were at big gatherings with 6-7 other associations. But at no point did Medicines for Europe get a one-on-one meeting with a Commissioner.

In fact, it seems the generic producers are the underdog in terms of meetings granted. Medicines for Europe wanted to meet with the President of the Commission in the spring of 2020 but were turned down. "I know that both the President and yourself have already rejected our meeting request, but we would love to have the same speaking rights that you have conceded to the other side of the industry," their spokesperson said in a letter to von der Leyen's cabinet in September 2020.

Moreover, when it comes to the bigger questions raised by the pandemic – whether to waive intellectual property rights or not – they don't seem to offer any counterweight to Big Pharma's position. In [a policy document](#) on the 'lessons learned', Medicines for Europe is only prepared to state support for "voluntary licensing" to "address the concerns". But voluntary licensing (where the patent owner maintains control but enters an agreement for another manufacturer to make their product) is already an option – it is simply not being used much, because it is not in the interest of the companies that owns the patented vaccines.

The Trade Commissioner

The data on meetings with the Commissioners do not describe the topic under discussion in any detail. In many cases, only 'COVID-19' is cited. So to identify the meetings where the question of intellectual property rights are discussed in connection with the current global situation, you would think it worth zooming in on Trade Commissioner Dombrovskis and his cabinet, where the action might be. However, surprisingly, Dombrovskis' office does not list a single meeting between him or his cabinet with industry that appears relevant. Thanks to formal requests for access to documents, we do know meetings have taken place in Dombrovskis' quarters, including meetings with big pharma lobby group EFPIA, but they are not formally listed. These could have been handled at a lower level than the Commissioner's cabinet in which case they would not appear in the list of meetings with lobbyists; in itself reflecting a problematic lack of transparency.

Generally, though, the Commissioner's meetings indicate that the ongoing discussion on whether to suspend intellectual property rights temporarily has not been considered seriously by the Commissioner in charge of international trade. Clearly, the action on the pandemic is elsewhere in the Commission.

The COVAX family

Besides the omnipresence of pharma lobbyists, the meeting statistics allow us to identify the five most frequent visitors at meetings about production and distribution of vaccines and medicines. They come in three categories: international organisations, philanthropic foundations, and one civil society organisation.

With 5 and 7 meetings respectively, CEPI and Gavi are two of the four groups behind the international COVAX initiative (the others being the World Health Organisation (WHO) and UNICEF), and have been very active for obvious reasons. They certainly need European support, financially and politically. While their stated objective is to supply the world with COVID-19 medicines and vaccines, there is a catch: nor CEPI or GAVI are inclined to open a discussion on intellectual property rights. The COVAX coalition emerged in quiet competition to technology sharing approaches to the pandemic – including the WHO's [C-TAP](#) – in that everything they do leaves that

question untouched. In part because COVAX is a public-private partnership it leaves [plenty of space for Big Pharma](#) to influence decision-making.

On the list too are the most important private financiers of COVAX: the Wellcome Trust and the Bill and Melinda Gates Foundation. Whereas the Wellcome Trust has been [criticised for a conflict of interest](#) in that some of the priority research and development projects supported by ACT-Accelerator – a facility closely linked to COVAX – reside with companies in which Wellcome Trust has investments, the second foundation is more politically controversial: the Bill and Melinda Gates Foundation. With 12 meetings with the European Commission, including 2 with Ursula von der Leyen on COVID-19 and 5 with her cabinet (excluding 3 meetings on climate change), the Gates family emerges as a key player on the Brussels lobbying scene on COVID 19.

Some meet open Gates

And not only on the Brussels lobbying scene. Bill Gates has been spending a fortune on public health globally for more than two decades. In 1999 he kickstarted Gavi with [a bold investment of US\\$750 million](#), and he remains a core funder of the organisation. CEPI too enjoys the Big Tech billionaire's charity: the Gates' foundation [contributes an amount similar to that of the governments of Canada and the Netherlands put together](#), with only 5 countries and the EU contributing more.

In so many ways, the current global strategy – with its emphasis on public-private partnerships, philanthropy and the direct involvement of Big Pharma in the handling of the pandemic – is a brainchild of Bill Gates. COVAX, the leading global COVID initiative, [owes a lot to the mega-philanthropist](#).

In that sense, Bill Gates' presence and influence is all-pervasive in the main discussions with the Commission on the global approach to the pandemic. In a letter to Ursula von der Leyen, Gates writes: "During these uncertain times, it has been a pleasure to work alongside the European Commission and the European Union in the global fight against the COVID-19 pandemic and subsequent economic downturn.... Melinda and I are delighted by the opportunity to continue building upon and strengthening our partnership with you in the coming years."

His efforts don't just impact the current disaster – but the long term as well. Included in the list of meetings two are between Ursula von der Leyen's cabinet and a new Gates initiative, the [Pandemic Action Network](#), that is to design the global response to pandemics in the future on the back of experiences from the current one. Unsurprisingly, the formula brewed by his think tank is one with [no consideration of the unfortunate role played by corporate greed](#) and Big Pharma monopolies.

Against technology sharing

The allegiance to strong regimes on intellectual property rights has always been a hallmark of the software billionaire, and while that appears to be one of the implicit guidelines for his involvement in the pandemic, he was not very outspoken about it in 2020. That changed recently with [an interview](#) he gave in late April 2021 to Sky News. According to Gates, there is ‘no factory lying idle’ that could be put to work on vaccine or medicines manufacturing. Intellectual property does not stand in the way, he said.

To so many others, including [170 former heads of state and Nobel Laureates](#), and 100 member states in the World Trade Organization, that is a false [claim](#), – one directly [contradicted](#) by the head of the WHO – and a dangerous one at that. It suggests there is nothing wrong with the current global strategy, except that more money should be sent to COVAX – even when COVAX is not able to spend extra money on vaccines that are simply not available. That failure is linked to intellectual property rights, an issue that simply will not go away.

In early May, then, Gates changed his message. According to a [press release](#) from the Foundation, he now supports "a narrow waiver" to be negotiated at the WTO. Clearly, the pressure from the announcement of Joe Biden and the following avalanche of statements from governments across the globe, calls for another kind of messaging. But in light of his key role in building a global approach that sidelined any notion of technology sharing, he is not likely to be an active, credible proponent.

The billionaire and civil society

In light of this, Gates’ all-pervasive influence in meetings with the Commission – whether via his own foundation, or organisations he created or made happen – and the fact they make up the most frequent visitors with the Commission over the global COVID strategy, is deeply worrying. The link appears to run deep not just on COVID but also on climate change where Gates recently thanked the Commission for its “outstanding leadership” and wished for an even stronger partnership in the future; all point to the outsized influence of a corporate-driven approach to global problems. It is fair, then, to ask what became of [Ursula von der Leyen’s pledge](#) that “the global response to coronavirus must also include civil society and the global community of citizens.”

The truth is that Bill Gates has something to offer in that department too. Looking at the list of ‘civil society organisations’ that managed to meet the President on COVID 19, there is only one: Global Citizen. While Global Citizen is not a Gates’ creation, he transformed the group to become his favoured vehicle [for ‘citizens’ involvement’ in world politics to fight poverty](#). Spearheaded by a skillful event manager, Global Citizen is good at attracting a plethora of celebrities from Hollywood and the music business to convey ‘charitable’ messages to a big audience – as long as those messages don’t challenge the corporate agenda.

The President in the echo chamber

Global Citizen, with 9 meetings since the pandemic broke, is number one in terms of meetings von der Leyen had with stakeholders on COVID-19. In fact, she came out as [a member of the organisation](#) in February 2021, presumably as an attempt to make good on her promises to link up with civil society, and to stress the importance of a close relationship with the pharma business: "Global Citizen has been a leading force in bringing together civil society and the private sector. We need citizens of the world to mobilise again. We need out of the box thinking and using all means available," she said. She is now set to appear at concerts and other events, including a much advertised 'Vax Live concert' to be broadcast on 9 May 2021, where appeals will be made to the world to contribute to COVAX, and to refrain from vaccine nationalism for the benefit of us all. The event relies on charitable and voluntary initiatives to provide Big Pharma's vaccines to the global south, when without the WTO patent waiver that would enable countries to produce their own versions, those vaccines simply won't be enough to go round. In other words, Vax Live distracts us with feel-good charity when what is needed to end vaccine apartheid is justice, patent waivers, and technology sharing.

Despite the US' recent shock announcement that they support the patent waiver proposal at the WTO, there is still no sign Vax Live will include any mention of the acute reality that the world is facing right now: that intellectual property rights stand in the way for medicines and vaccines for all. And such a message would not sound familiar to the President or other Commissioners, as they hardly ever grant into their presence those arguments. The announcement that the Biden Administration is now set to open serious talks about waiving of intellectual property rights, makes the European Union look particularly inhumane and foolish internationally. That is likely to be the main reason why Ursula von der Leyen decided to show a new and more open attitude to one of the most burning questions of our time. Looking at the record of her institution, though, it would be naïve to think the matter will be easily resolved.

Take action: Put pressure on the EU to support the TRIPs waiver at the WTO and help make vaccines accessible to all. Sign the European Citizens' Initiative here: <https://noprofitonpandemic.eu/>