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**General Council  
Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**DECISION TEXT ON EXTENSION OF THE 17 JUNE 2022 MINISTERIAL DECISION TO  
COVID-19 THERAPEUTICS AND DIAGNOSTICS**

COMMUNICATION FROM THE DELEGATIONS OF BANGLADESH, THE PLURINATIONAL STATE OF  
BOLIVIA, EGYPT, INDIA, INDONESIA, PAKISTAN, SOUTH AFRICA AND  
THE BOLIVARIAN REPUBLIC OF VENEZUELA ON BEHALF OF THE  
CO-SPONSORS OF THE IP/C/W/669/REV.1 PROPOSAL

The following communication, dated 1 December 2023, is being circulated at the request of the delegations of Bangladesh, the Plurinational State of Bolivia, Egypt, India, Indonesia, Pakistan, South Africa and the Bolivarian Republic of Venezuela on behalf of the Co-Sponsors of the [IP/C/W/669/Rev.1](#) Proposal.

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1. On 17 June 2022, WTO Members adopted a Ministerial Decision on the TRIPS Agreement, document [WT/MIN\(22\)/30](#) [[WT/L/1141](#)]. This Decision is far removed from the comprehensive TRIPS waiver proposal contained in documents [IP/C/W/669](#) and [IP/C/W/669/Rev.1](#) ("original TRIPS waiver proposal") co-sponsored by 65 WTO Members (co-sponsors).

2. A more comprehensive waiver decision as envisaged in the original TRIPS waiver proposal would support the efforts to ensure timely, equitable and universal access to safe, affordable and effective therapeutics and diagnostics, ramping up of production and expanding supply options. The MC12 Ministerial Decision on the TRIPS Agreement (document [WT/MIN\(22\)/30](#)) is the result of over one and a half years of arduous and lengthy discussions on the original TRIPS waiver proposal and intense negotiations heading towards the 12<sup>th</sup> Ministerial Conference in the midst of a global crisis. It is of limited scope covering only vaccines.

3. Diagnostics and therapeutics are essential tools for a comprehensive approach to fight the pandemic, that it is not over. Omitting these vital tools will deter the effectiveness of the decision that aims timely and affordable access to effective vaccines against the ongoing COVID-19 pandemic. Cosponsors have provided extensive facts and evidence, among others, in documents [IP/C/W/670](#), [IP/C/W/672](#), [IP/C/W/673](#), [IP/C/W/674](#), [IP/C/W/684](#) and [RD/IP/49](#) as well as submissions in the TRIPS Council. Much of which has been supported by distinguished health experts.

4. At a minimum, the extension of the policy tools provided in document [WT/MIN\(22\)/30](#) to therapeutics and diagnostics will result in a holistic approach to enable developing countries to address those IP barriers that prevent the expansion and diversification of production and increase accessibility to crucial life-saving COVID-19 tools. The current outcome represents a narrow-conditioned Decision due to demands of some WTO Members, requiring significant compromises on the part of the co-sponsors that had hoped for greater solidarity among WTO Members during a public health emergency and consequently a more comprehensive waiver decision as envisaged in the original TRIPS waiver proposal that would support ramping up of production and expanding supply options.

5. In view of this context and paragraph 8 of the Ministerial Decision, the co-sponsors call on the General Council to immediately extend the 17 June TRIPS Decision adopted by the Ministers by consensus after long protracted negotiations, *mutatis mutandis* to therapeutics and diagnostics.

WTO Members have an opportunity to show they can act promptly to respond to the ongoing COVID-19 pandemic and the challenge of inequitable access to therapeutics and diagnostics and respond to the criticism that the Decision on vaccines came too little too late.

6. We call on the General Council to immediately adopt the annexed decision.

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**ANNEX**

DECISION TEXT

General Council Decision on Extension of the 17 June 2022 Ministerial Decision to COVID-19 Therapeutics and Diagnostics (hereafter referred to as 'Therapeutics and Diagnostics Decision')

The General Council

Having regard to the 17 June 2022 Ministerial Decision on the TRIPS Agreement, document [WT/MIN\(22\)/30](#)

Decides as follows:

The MC12 Decision on the TRIPS agreement is extended *mutatis mutandis* for the production and supply of COVID-19 therapeutics and diagnostics.

An eligible Member may apply the provisions of this Therapeutics and Diagnostics Decision until 5 years from the date of this Decision. Any extension of the MC12 Decision on the TRIPS Agreement pursuant to paragraph 6 shall apply to this Decision as well.

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