



# ***THE EU & THE COVID VACCINE***

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Over the past several months, the European Union has been roundly criticised for its approach to securing Covid vaccines for its near 450 million citizens. In the most world-altering pandemic in a century, the EU has been portrayed in an unflattering light in the international media. There are a number of reasons given for the EU's lethargy in getting jabs into arms:

- 1) The EU is excessively bureaucratic.<sup>1</sup>
- 2) The EU was too preoccupied with fiscal responsibility in a pandemic, and spent too long bargaining for a 'good deal'.<sup>2</sup>
- 3) The EU prevented individual nations in their own efforts to secure vaccines due to its commitment to 'international solidarity'.<sup>3</sup>

The EU tries to project a certain image, which is reflected in the media's perception of their response to the Covid crisis and their apparent struggle to procure vaccines. The EU tries to project an image of efficiency, competence, and humanitarianism. Its 'efficiency' and 'competence' is embodied by the European Commission, a group of unelected civil servants who propose and enforce EU policy and negotiate trade deals on behalf of the European Union.<sup>4</sup>

It's necessary to grasp that the European Union is primarily an economic union, rather than a political

one. Its predecessor, the EEC, was founded in the wake of the Second World War to bind the economic interests of European nations together in order to rival the US.<sup>5</sup> For the US, it also provided reassurances that Europe would not fall to communism in the midst of the Cold War.<sup>6</sup> The EU in its current form emerged in the aftermath of the Cold War, and the EMU (Economic and Monetary Union) emerged as a way of restricting the means of European nations to print their own currency, thus limiting their ability to increase their competitiveness through means other than downward pressure on wages.<sup>7</sup>

The EU's primary objective is ensuring the continued economic competitiveness of the bloc, (though Germany certainly exerts the greatest influence within that bloc). The EU is thus a fundamentally neoliberal institution. This 'frugality' is symptomatic of a neoliberal 'deficit-hawk' outlook and an antagonism toward public spending. Though many will see the EU's approach to vaccines as relatively humanitarian or 'soft' when compared with the likes of the UK and Israel, this obscures the EU's role in the current global vaccine shortage. Over the past few months, the calls to suspend intellectual property rights on Covid vaccines have grown significantly, even drawing the likes of Gordon Brown out of the shadows to pontificate on the gross inequity of global vaccine distribution.

Many have decried the approach of wealthier countries, including those that make up the EU, for their selfishness in the pursuit of vaccines. In this article I will hope to show that in addition to the EU's vaccine strategy being ruthlessly self-serving, it is also profoundly, hopelessly short sighted.

## **The strategy**

Like the vast majority of wealthy countries, the EU has bet big on vaccines. When the pandemic hit Italy in February 2020 and it gradually became evident that governments would not be able to put their fingers in their ears and ignore it, European nations were left scrambling to close their borders and impose national lockdowns. At no point was there any inkling of a co-ordinated plan to stop the spread of Covid across the continent. If the union of European nations were to have one useful function, one might expect it to be

devising a comprehensive and co-ordinated public health response to a deadly virus transmitting rapidly on a global scale.

Despite the inherently global nature of a pandemic, the European nations elected to manage the Covid situation as separate units within their own borders. The pandemic has always presented a difficult balancing act to national governments. Public health and corporate interests have been in conflict with one another since the beginning, and while they are naturally predisposed to favouring the latter, they did not want to deal with the fallout of the health service collapsing, leading to the constant push-and-pull of society opening up and closing down.

The EU has always seen its role as securing the ‘best deal’ for European nations in procuring vaccines for the population. Some see this as Europe being unnecessarily penny-pinching, and not recognising the urgency of the situation when other nations were pushing to the front of the queue. What seems to get lost in this is that, in Africa for example, only a handful of the forty-eight countries have vaccinated even 1 per cent of their populations.<sup>8</sup> The fact that these tussles to get to the front of the queue only ever feature the wealthiest nations seems to be completely missed, as does the fact that billions across the globe will not receive a vaccine before the end of 2021.<sup>9</sup>

While the EU has been portrayed as hesitant or soft in the acquisition of vaccines, the reality is quite the opposite. The EU has been very consistent in its approach, which has been issuing millions of euro in public funds to big pharmaceutical companies to research, develop, and manufacture vaccines, all the while defending the right of these companies to defend their patents on these vaccines. In that context, compared to the vast majority of countries, the EU has elbowed its way right up to the front of the queue, making deals with big pharmaceutical companies before their vaccines were even proven to be effective and ensuring that Europeans were vaccinated first. Furthermore, the EU has, like other wealthy countries such as Canada and the UK, bought enough vaccines to inoculate its population multiple times over.<sup>10</sup> People may hear this and be quite puzzled. What does the EU have to gain by purchasing more vaccines than it needs to administer?

The first thing to understand is that the EU, and these other wealthy countries, signed contracts with these companies agreeing to pay a certain amount of money in exchange for a certain number of vaccines. These countries likely recognised that despite all the promises made by these companies, vaccine production on such a large scale was going to present significant difficulties. AstraZeneca and Johnson & Johnson in particular have failed miserably in meeting targets agreed with the EU.<sup>11</sup> Both these vaccines have also at different points been shown to have potentially fatal side effects in a small number of people.<sup>12</sup> These side effects initially led to an age restriction on both vaccines and, anecdotally, led people to express some hesitancy about receiving them, even when there were no other vaccines available to them.

The second point is that there has been an expectation within governments, probably for some time, that Covid would be with us for good. Back in March of this year, a video was circulated online in which a Pfizer exec expressed optimism at the prospect of Covid moving from a ‘pandemic to an endemic situation’<sup>13</sup> and the business opportunities that this presents for the pharmaceutical company. There are of course numerous examples of countries that have successfully pursued elimination strategies in 2020, like New Zealand, Australia, Taiwan, China, etc., though many have had lapses in recent months due to complacency and the fact that much of the rest of the world has continued to allow the virus to circulate and mutate. Covid did not have to become endemic, but this was more palatable to many governments than the prospect of properly resourcing public health infrastructure, implementing adequate sick pay schemes, or impacting the short-term profit margins of large companies. Therefore, the EU also stocked up on vaccines to ensure that they would be in a position to give their citizens a third shot going into the winter before billions in the Global South have received a dose.

Recently, the media has been unrelenting in its coverage of the ‘race between the vaccine and the virus’. However, a vaccine should never have been pitted against the virus in a race, and the very fact that we are in a race is a sure sign that we’re losing. The vaccine should have been a way of closing the door

behind us. The emphasis should always have been on public health infrastructure, facilitating a mass public effort to identify, track, and isolate the virus wherever it reared its head, preventing variants, and allowing the vaccine to provide lasting protection thereafter against the unmutated virus. However, we now find ourselves in a situation where, despite one dose providing significant protection against Covid up to this point, there is increasing pressure to *fully* vaccinate all eligible adults in time to ensure that we are not anticipating the collapse of our health service for the fourth time in the past year and a half.

### **An economic union**

Why is the EU so against the suspension of intellectual property rights? In May, many were surprised when the United States' trade representative, Katherine Tai announced that the US 'believes strongly in intellectual property protections, but in service of ending this pandemic, supports the waiver of those protections for Covid-19 vaccines'.<sup>14</sup> The statement did not appear to specifically commit to a TRIPS waiver, but it seemed a significant development. A TRIPS (trade-related aspects of intellectual property rights) waiver would require a unanimous vote among member countries of the World Trade Organisation, and so the EU would need to be moved on it in addition to the US in order for any progress to be made. Initially, the EU expressed decidedly lukewarm support for 'talks' on a waiver of patents. They continued, though, to express concern about the 'dangers' of suspending intellectual property rights.<sup>15</sup>

Here, it's worth noting the origins of intellectual property rights, which were first codified in 1883 at the Paris Convention for the Protection of Industrial Property. It was a meeting brokered by colonial powers<sup>16</sup> to establish a mandate to protect patents, trademarks, and industrial designs, and to 'repress unfair competition'.<sup>17</sup> Intellectual property rights have always been a way for countries who, having amassed enormous wealth through the plunder of natural resources from Asia, the Americas, and Africa, seek to maintain their economic supremacy in a global context. Hence, intellectual property rights and their enforcement are neo-colonial in nature. It was with the collapse of the Soviet Union that the

WTO emerged, with its TRIPS agreement, signalling the integration of majority of the world's countries under the confines of intellectual property law.

TRIPS followed off the back of a rigorous PR campaign by wealthy nations and big pharma to warn of the dangers of 'intellectual property piracy'. Decades prior to this agreement, when new drugs came on the market in wealthy countries, generic versions would surface in the developing world, often manufactured in India.<sup>18</sup> Naturally, this undermined the profit margins of big pharma.

Of course, big pharma and those in government who defend them need a better line of attack than pointing to how people living in Africa having access to life-saving drugs threatens their monopoly, so when challenged on their record in this regard, the default response is that 'competition drives innovation'. This certainly isn't true with respect to public health. Vaccines are very difficult to manufacture, must be sold cheaply, and are generally administered once or twice. There is a far higher incentive for big pharmaceutical companies to manufacture drugs that are taken regularly and that can be sold at exorbitant prices in wealthy countries. In practice, the development of life-saving drugs is often delayed where there is no profit incentive, as was the case during the AIDS crisis. If pharmaceutical research were publicly run, there would be significant opportunities to research medicine with the sole objective of improving public health.

Again though, public health is not the concern of the EU. The EU functions as an economic union rather than a political one. There are twenty-five thousand lobbyists living in Brussels, working daily to try and influence EU policy.<sup>19</sup> There is also a clear imbalance in the level of access to significant figures within the EU given to big pharma representatives when compared with that given to those pressing the EU to back the sharing of vaccine technology in order to ensure a more comprehensive rollout. Figures released recently show 140 meetings between the EU and pharma companies and their associations, eighteen meetings with generic companies, and one with a pro-waiver group.<sup>20</sup> The cost of pharma lobbying comes in at about thirty-six million dollars a year according to publicly available figures, though

this is likely grossly understated, with under-reporting being common among lobby groups.<sup>21</sup> There is also a pervasive lack of transparency regarding the extent of lobbying in the EU and this information can often only be obtained through freedom of information requests.<sup>22</sup>

The EU has a long history of bullying smaller countries at the behest of big pharma in order to secure their monopolies for them,<sup>23</sup> and while it may be shocking to some to see this behaviour continue against the backdrop of a pandemic, it is entirely in keeping with the EU's *modus operandi*. Far from being symptomatic of the EU's inability to go toe-to-toe with the big boys, the EU's vaccine deals were a neo-colonial *coup de grace*. The EU also accepted slower access to vaccines on behalf of its own member states in enforcing intellectual property rights. Here in Ireland, our capacity to manufacture vaccine has now been recognised, but only because it suited the interests of Pfizer. The EU approach to the race for vaccines has been, firstly, to ensure that big pharma maintains their monopoly over the sale of drugs globally, and secondly, to hoard as many vaccines as they could in agreeing deals with these companies.

While the EU may take AstraZeneca to court over their apparent sabotage of any chance they had of meeting production quotas as set out with the EU, this debacle seems insignificant when compared with the relative vaccine famines currently playing out across the Global South, and the EU have no one to blame but themselves.

### **Smokescreen philanthropy**

It is within the context I've outlined above that we must consider COVAX, the worldwide scheme nominally charged with providing poorer countries with access to vaccines. As I've already indicated, the EU pushed its way to the front of the queue in the global scramble for vaccines, and because of its ties with big pharma, was able to secure vaccines first and in far greater quantities than necessary to vaccinate all EU citizens. Last year, a representative of the African CDC said publicly that Africa was coming 'to the table not to beg, but to buy doses'.<sup>24</sup> Wealthy countries, like those that make up the EU, happily ignore that

the Africans' inability to access vaccines is not just happenstance. It is an inevitable consequence of the intellectual property rights regime that they knowingly, rigorously enforce. It's not simply that Africa cannot access vaccines, it is that the EU is one party actively withholding vaccines and the ability to manufacture them from these countries.

COVAX is a public-private partnership, comprising WHO, UNICEF, CEPI, and GAVI. The nature of this arrangement is that there is plenty of room for big pharma to influence decision-making, with neither CEPI nor GAVI being inclined to open a conversation on intellectual property rights.<sup>25</sup> It should also be noted that one of the biggest financiers of COVAX is the Bill and Melinda Gates Foundation.<sup>26</sup>

Bill Gates' influence is pervasive in the battle over intellectual property rights. His foundation played a role in securing the exclusive rights to the Oxford vaccine for AstraZeneca, which the university had originally planned to make open source.<sup>27</sup> That's to say, there would have been no patent and any factory with the requisite technology would be permitted to manufacture it. The Bill and Melinda Gates Foundation has spent more than fifty-four billion dollars on health systems in the Global South.<sup>28</sup> While many will applaud his philanthropy, when you look at where this funding goes, to governments, to civil society organisations, and to health journalism outlets, and that it accounts for 12 per cent of the WHO's annual funding,<sup>29</sup> you begin to see the level of influence he wields in how health policy is formed and communicated, ensuring the lasting supremacy of intellectual property rights in medicine.<sup>30</sup> Gates naturally has a deeply vested interest in IP rights given that they are the foundation of his software empire. Gates understands that this philanthropy is ultimately a good investment, it allows him to maintain his monopoly through direct influence over relevant parties and the hegemony of his organisation in public health.

All of this is made worse when considering that COVAX is also wildly off course to meet its targets. COVAX has committed to distributing two million doses to poorer countries by the year's end. The target for June was 337 million doses. In the end, the actual figure was eighty-eight million, about a quarter of

what they committed to.<sup>31</sup> COVAX essentially exists to give the impression that wealthy governments are helping poorer ones get up to speed with vaccination; however, even if COVAX were meeting its targets, it would be a woefully inadequate solution.

### **Self-interest or hubris?**

At the time of writing, Boris Johnson has indicated that there is no longer a need for Britons to wear masks or socially distance. At least, he said this should no longer be mandated by ‘government edict’, which seems to suggest that perhaps people should continue doing it anyway, but not because he told them to. In this new wave of Covid, dominated by the delta variant, the UK is projected to hit one hundred thousand cases per day,<sup>32</sup> and scientists have expressed dismay at the prospect of Britain facilitating ‘variant factories’.<sup>33</sup>

Over the course of this pandemic, variants have been wilfully ignored by governments up to the point that it has become politically useful to blame the uncontrolled spread of Covid, driven by their own mismanagement of this crisis, on whichever variant happens to be in the ascendancy at that time. The delta variant has certainly presented the most significant difficulties of any we have encountered thus far given its transmissibility and ability to infect the partially vaccinated. However, its arrival on these shores is a stark reminder of the utter failure of governments in wealthy countries in a couple of ways. Firstly, there are ten thousand factories in India (where delta was first discovered) capable of manufacturing the Moderna vaccine.<sup>34</sup> Secondly, while the narrative around delta has been that it taking hold here was inevitable, this ‘inevitability’ is a result of the failure of governments here to implement any remotely adequate quarantining procedures for international arrivals or a test/track/trace infrastructure.

Governments continue to play fast and loose with the sustainability of our health service. The approach across Europe has been to learn to ‘live with Covid’, though it’s been made clear time and again that the only way to keep Covid under ‘control’ is through an elimination strategy. We have also failed to reckon with the impact of long Covid or the widespread

delays of other medical appointments because of Covid.

The EU has approved the vaccine for use in twelve-to-fifteen-year-olds. Some figures like Prof Luke O’Neill have called for Ireland to donate vaccines to poorer countries once the adult population has been completed. Given the EU’s conduct thus far, it seems unlikely that it will be so inclined. Children transmit the virus, and it will likely continue to circulate in schools once the adult population has been inoculated. Israel has also reported a significant drop in vaccine efficacy against infection and symptomatic disease for those inoculated in the early days of their rollout.

The extent to which European nations will succeed in suppressing this latest Covid wave through vaccination alone is unclear, but what is clear is that billions will continue to go without vaccines for the foreseeable future. The EU and other wealthy nations’ approach to vaccine procurement is often portrayed as greedy and self-serving, and certainly it is this in principle, but placing all of the emphasis on these countries’ selfishness may well overestimate the extent to which they will reap the benefits of their more advanced vaccination programmes in the medium-to-long term. As long as we permit the virus to circulate, it will continue to mutate, and at some point we may manifest one worse than delta. There are many letters of the Greek alphabet left to go.

### **Conclusion**

The European Union has claimed to act in the interests of protecting ‘competition’ while bolstering the monopolies of big pharma. It has projected the image of itself as competent and efficient while allowing European factories, that could be used for the manufacturing of vaccines, to lie idle. It has maintained the pretence of its humanitarianism while proactively obstructing poorer countries from being able to manufacture vaccines and inoculate their populations. The EU, far from acting in the spirit of international solidarity, has blood on its hands and should be roundly condemned.

The demand for vaccines has emerged quite organically out of the pandemic in which we’ve



found ourselves. The EU's role in all of this, rather than simply procuring vaccines for Europeans, has been to pander, at every turn, to big pharma and ensure that they receive a return on the investment necessary to make these vaccines a reality—the vast majority of this investment coming from the public coffers.<sup>35</sup> Rather than facilitating competition, the EU has assisted big pharma in actively suppressing it internationally. It's this singular focus of the EU and other wealthy nations in ensuring their own economic competitiveness and doing the bidding of their lobbyists that has killed millions and left millions more hospitalised and physically impaired. They are as responsible as anyone for the situation in which we now find ourselves.

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