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Uncertainties over EU COVID-19 vaccine sharing scheme

Legal hurdles and political questions remain over a European Commission mechanism for donating COVID-19 vaccines to other nations. Ann Danaiya Usher reports.

On Jan 19, 2021, the European Commission proposed the creation of a mechanism to allow member states to share some of the COVID-19 vaccine doses they have procured with non-EU countries. It is envisioned as a global clearing-house, a “single point for requests and a pipeline”, an EU spokesperson says, through which doses can be provided, “preferably through COVAX”, the vaccine distribution facility managed by Gavi, The Vaccine Alliance.

Europe has secured access to almost 2.9 billion doses for a population of 450 million people. “Even if we have to re-vaccinate people after 1 or 2 years, due to immunity wearing off or to variants of the virus, there will still be a significant over-investment”, says Sweden’s vaccine coordinator Richard Bergström.

High-income countries have, through bilateral deals with vaccine manufacturers, secured most of the doses that will be available this year. Several have started donating doses, causing health officials and advocacy groups to fear a chaotic situation where vaccine diplomacy, based on strategic political interests rather than public health considerations, will determine which countries get vaccines and which do not.

Anna Rebecca Bezruki at the Graduate Institute in Geneva, Switzerland, is tracking these bilateral vaccine donations. Her research shows that 13 countries have so far donated at least 11 million doses in this way. “An agreed-upon sharing mechanism that is based on epidemiologic or financial need would certainly be better in terms of addressing the pandemic than the ad-hoc bilateral donations that are occurring”, says Bezruki. 2 months later, the EU sharing mechanism is still not in place.

Establishing a scheme to facilitate global sharing is proving difficult because harmonising agreements made in different jurisdictions and according to different legal systems is complicated. Arne Sannes Bjørnstad, a Norwegian Foreign Ministry official, heads a team of lawyers working with

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the European Commission on the difficult technical work associated with establishing a vaccine sharing mechanism for countries taking part in the EU joint purchase. Liability, for example, is a major challenge. The question of who will carry the risk in case of misuse or vaccine side-effects needs to be addressed. Bjørnstad’s team is trying to construct a bridge between the European contracts and COVAX, building on Gavi’s no-fault compensation scheme, which was approved last month. Ideally, this bridge would be easy for other high-income countries to use so that COVAX can eventually become the default option for global vaccine sharing.

Questions regarding how many doses will be given away, which countries will benefit, and when the donations will take place have yet to be addressed. Gavi says it is not sufficient for high-income countries to wait until they have immunised their own populations before they start sharing. Underscoring the importance of the early availability of doses, Gavi says countries must begin sharing as soon as possible in 2021 and “ideally concurrently by the sharing country as it receives vaccines to increase equitable access and have maximum impact”.

French President Emmanuel Macron has called on EU member states to set aside 5% of each vaccine delivery for donation, but this is still under discussion and is dependent on a sharing mechanism being in place.

Whether donations from the EU will all go to Gavi and COVAX has also been questioned. Some EU countries are pushing for vaccines to be shared with Europe’s neighbours first, particularly countries in the Eastern Partnership, which includes Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. According to Euroactiv, a letter from 13 EU members stated that doing so would send a “strong and coordinated message” and increase the EU’s geopolitical visibility.

An EU spokesperson suggests that the two approaches would complement each other. “COVAX is our best vehicle to deliver on international vaccine solidarity and for the EU is the key channel for sharing vaccines”, she says, but adds, “it is in the EU’s own interest to share doses early on with our immediate neighbourhood, the western Balkans and Africa, to break the vicious circle of new mutations and to reduce the health risk for us all”.

Bergström plays down the importance of the visibility argument and says there is broad consensus in the EU about sharing doses through COVAX. However, some countries in the neighbouring regions have not been able to access vaccines through COVAX and a project is underway to share first with those countries. These doses will be shared imminently and will probably amount to fewer than 1 million doses, he says, while the number of doses planned to be shared with COVAX is far greater.

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