Equitable Access Committee – 17 January 2020

Attendees:
EAC: Cherry Kang (Chair), David Reddy, John Nkengasong, Charlotte Watts, Soumya Swaminathan
CEPI Secretariat: Richard Hatchett, Frederik Kristensen, Dick Wilder, Rachel Grant, Emma Wheatley, Joe Simmonds-Issler (minutes)

Opening: Cherry Kang opened the meeting and thanked the Secretariat for progress since the last meeting.

Dick Wilder provided a short overview of the materials that had been circulated:
- Revised terms of reference. Proposed changes reflected previous EAC discussions, and were twofold:
  1) expanding the EAC to 5 members,
  2) formally noting that institutional or investor EAC members can appoint a delegate to attend individual meetings in their place if unable to join
- A proposed workplan for 2020 was attached
- A comparison of the salient provisions in the original policy with the revised policy, structured according to the key issues
- A document setting out WHO observations on CEPI’s equitable access approach and CEPI’s proposed response

Discussion:
- Engagement with WHO. The EAC were positive regarding ongoing interactions and progress and encouraged continued engagement.
- Experts supporting the work of the EAC
  - Dick Wilder noted that WHO legal representatives could potentially join a future EAC meeting if of use for the committee to share discussions so far. It was also noted that there may be other experts who the EAC wishes to invite to future meetings, including the applied ethics expert CEPI is in the process of hiring.

- Application of equitable access policy
  - The EAC indicated CEPI needs to be clearer (especially in external communications) about how it implements its policy, and how the policy is implemented in a way that has teeth. Issues of affordability and transparency are critically important. Committee members noted CEPI does have appropriate provisions in place including right to audit, securing licenses, step-in rights, but needs to be clearer on:
    - Affordability obligations and what rights CEPI has to ensure those obligations may be enforced.
    - how CEPI ensures the expertise it contributes to projects continues to ensure CEPI’s goals are followed up on as part of subsequent development/registration
    - CEPI’s long term perspective, and focus on stewardship and public goods goals

- Workplan
  - With regards to how the EAC oversees the policy
    - The EAC noted it should not be involved in negotiations but should be assured that agreements are compliant with the policy (the Secretariat could prepare a checklist to confirm key elements have been addressed), and for any substantive deviation from the policy or agreed guidance as to its implementation the EAC should discuss the proposed approach.
  - With regards to dynamic aspects of managing equitable access
    - Dick Wilder noted there are many ways of ensuring equitable access through the life cycle of projects and through CEPI’s activities. These include stage gate reviews, IPDPs, discussions with partners such as Gavi, and more.
    - The EAC supported using Stage Gate Reviews as a chance to review contracts, and noted that as candidates proceed, market access considerations can become more granular.
CEPI is working on a longer-term sustainable manufacturing plan. This will support needed work with partners to consider market assumptions, especially regarding planning, forecasting, and pricing.

**With regards to meetings of the Equitable Access Committee**
- The EAC agreed that it would hold meetings at a greater frequency in the first half of 2020 as it establishes its key areas of focus and activities, and that in time the number of meetings may reduce.

**Resolutions**
1. The Secretariat to circulate proposed meeting dates for the EAC in 2020 by email. **Due 24 Jan 2020**

2. The Secretariat to circulate proposed amendments to the EAC TORs by email, which will be treated as approved unless objections are received. **Due 24 Jan 2020**

3. The Secretariat and Chair will work to take forward the workplan for the EAC, specifically focussing on:
   a) further engagement with WHO’s legal team
   b) how to articulate CEPI’s approach to implementing the equitable access policy in a sufficiently clear fashion. It was proposed by the Secretariat that this could be achieved through implementation guidance. **Due: before the next EAC meeting**

4. John Nkengasong to share the old and new policy with African Union colleagues for comment.