Commission Implementing Decision (EU) 2020/1220 of 21 August 2020 on the request for registration of the proposed European citizens' initiative entitled 'Right to Cure' (notified under document C(2020) 5705) (Only the English text is authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1220

of 21 August 2020

on the request for registration of the proposed European citizens' initiative entitled 'Right to Cure'

(notified under document C(2020) 5705)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative[(1)], and in particular Article 6 thereof,

Whereas:

(1) A request for registration of a proposed European citizens' initiative entitled 'Right to Cure' was submitted to the Commission on 4 July 2020.

(2) The objectives of the proposed initiative are to: '[1] ensure that intellectual property rights, including patents, do not hamper the accessibility or availability of any future COVID-19 vaccine or treatment; [2] ensure that EU-legislation on data and market exclusivity does not limit the immediate effectiveness of compulsory licenses issued by Member States; [3] introduce legal obligations for beneficiaries from EU-funds to share COVID-19 health technology related knowledge, intellectual property and/or data in a technology or patent pool; [4] introduce legal obligations for beneficiaries from EU-funds regarding transparency on public contributions, production costs, as well as accessibility and affordability clauses combined with non-exclusive licenses.'

(3) An annex provides further details on the subject matter, objectives and background to the proposed European citizens' initiative. In particular, the group of organisers calls on the Union 'to put public health before private profit [and] make anti-pandemic vaccines and treatments a global public good, freely accessible to everyone'.

(4) As regards the first two objectives of the proposed initiative, the Commission has power to propose a legal act of the Union for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market, on the basis of Article 114 of the Treaty.

(5) As regards the last two objectives of the proposed initiative, the Commission has power to propose a legal act of the Union for the purpose of implementing the Treaties designed

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1220. (See end of Document for details)*

to protect and improve public health, on the basis of Article 168(5) of the Treaty, and research actions in the context of the multiannual framework programme of the Union, on the basis of Article 182 of the Treaty, read in conjunction with Article 183 of the Treaty.

(6) For these reasons, none of the parts of the proposed initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

(7) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with the first subparagraph of Article 5(3) of that Regulation.

(8) The proposed initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.

(9) The proposed initiative entitled 'Right to Cure' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The proposed European citizens' initiative entitled 'Right to Cure' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the European citizens' initiative entitled 'Right to Cure', represented by Ms Anne DELESPAUL and Ms Sara Anna MURAWSKI acting as contact persons.

Done at Brussels, 21 August 2020.

For the Commission

Věra JOUROVÁ

Vice-President