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# Standing Committee on International Trade

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Chair: The Honourable Judy A. Sgro





## Standing Committee on International Trade

Friday, May 28, 2021

• (1310)

[English]

**The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)):** I call this meeting to order. This is meeting number 32 of the House of Commons Standing Committee on International Trade. Today's meeting is webcast and is taking place in a hybrid format pursuant to the House order of January 25, 2021.

I have received a meeting request pursuant to Standing Order 106(4). The committee is meeting today to deal with some other issues, but specifically, as well, I've added, pursuant to Standing Order 106(4), the request by four members of the committee to discuss undertaking a study of the countervailing and anti-dumping duties on the imports of Canadian softwood lumber by the United States.

Mrs. Gray, you have the floor to move the motion and to speak to it.

Go ahead, please.

**Mrs. Tracy Gray (Kelowna—Lake Country, CPC):** Thank you very much, Madam Chair.

The motion I'm moving today is, I believe, of importance on an issue that could have significant implications for the Canadian forestry sector, which, as we know, employs hundreds of thousands of Canadians across the country and has particular significance in regions like British Columbia, Quebec and the Atlantic.

The U.S. Department of Commerce's preliminary determination on new combined tariff rates mean the tariffs will be doubled across the board on Canadian softwood exports if they come into force. Therefore, this motion is quite timely so that we can hear from Minister Ng and our officials on the plan to address this issue with our U.S. counterparts and stakeholders, and so that these preliminary determinations do not become final and become the newly enforced rates.

I hope all members of this committee will be supportive of this motion. Therefore, I move, pursuant to Standing Order 106(4):

That the committee hold a meeting to invite the Minister of Small Business, Export Promotion and International Trade and relevant government officials to discuss the United States Department of Commerce's preliminary determinations increasing duties on Canadian softwood lumber exports from 8.99% to 18.32%; that the meeting be at least two hours in length; that the minister appear for no fewer than one hour and that appropriate government officials appear for no fewer than two hours; and that this meeting occur no later than June 4, 2021.

Thank you, Madam Chair.

**The Chair:** Are there any comments or is there any discussion on the motion?

Yes, Mr. Savard-Tremblay.

[Translation]

**Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ):** Thank you, Madam Chair.

I had a chance to speak with Ms. Gray in the past few days. As I told her, I fully support inviting government officials to discuss the fundamentally important issue of softwood lumber.

I did some thinking after our conversation, though, and I do have a question for her.

Why don't we recommend that the Special Committee on the Economic Relationship between Canada and the United States do it instead? The motion further to which the committee was appointed referenced softwood lumber as one of the areas it would examine. The committee was created assuming that this committee would not be able to cover all of the issues.

[English]

**The Chair:** Go ahead, Mrs. Gray.

**Mrs. Tracy Gray:** This is the international trade committee, and even though the Canada-U.S. committee can deal with a whole number of issues relating to the U.S., it doesn't preclude this committee's dealing with trade issues with the U.S. It is part of our overall mandate.

Following the appearance of the minister and the officials, the committee could perhaps choose to do a more fulsome study on this if that's something the members choose. They have other work, I know, that's planned right now, with buy America and Line 5 and other things, so that's their priority. We could choose to do that, but since we are the trade committee and the U.S. is our largest trading partner, this is fully within something that we could request.

**The Chair:** Thank you, Mrs. Gray.

Mr. Hoback.

**Mr. Randy Hoback (Prince Albert, CPC):** Madam Chair, unfortunately I'm having some Internet problems, so I'm going to leave my screen off.

One of the reasons I think it's very important that this committee deal with it is that the special committee meets once a week and already has a full agenda with buy America. It's not that I think we shouldn't look at it; it's just that I don't think we would have time to look at it appropriately before we break for the summer. I think we need to have some things discussed before that happens. This is the right place for it to happen. This is where it happened the last time when we saw these tariffs come forward, and this is the committee that actually created the strategy to get these tariffs removed. When you look at the way it impacts Canada, from Atlantic Canada to Quebec, Saskatchewan, Alberta and British Columbia, this is a huge issue and I think this is the place to do it.

**The Chair:** Thank you, Mr. Hoback.

Mr. Arya.

**Mr. Chandra Arya (Nepean, Lib.):** Madam Chair, I understand the softwood lumber issue is very important for many parts of Canada, and I think there are many implications of what is happening there.

At the same time, the U.S. has formally requested a dispute settlement panel on the allegations that American products.... That's on the dairy sector. Those sorts of things also keep coming up.

Though New Zealand has not formerly complained, it too has some problems with the dairy agreement, where the quotas are not being utilized. There are various aspects that come through it, so I would like to hear more on this.

**The Chair:** Thank you very much.

Is there any further discussion?

Ms. Bendayan.

**Ms. Rachel Bendayan (Outremont, Lib.):** Madam Chair, everybody is talking about the full schedules that other committees might have. Here at CIIT, we also have important studies before us, including from our colleague from the Bloc Québécois—the reference from the House of Commons on the private member's bill of the Bloc Québécois.

• (1315)

[*Translation*]

I just wanted to add that Bill C-216 was referred to the committee and that we have other priorities as well.

I completely understand the rationale for wanting to study the softwood lumber situation, but we have a very important matter to deal with, Bill C-216.

Would the honourable member from the Bloc Québécois like to comment?

[*English*]

**The Chair:** Monsieur Savard-Tremblay.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** I see Ms. Gray would like to respond, and Mr. Dalton had his hand up as well.

I may have a suggestion to resolve the impasse once they've had a chance to speak.

[*English*]

**The Chair:** Okay.

Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

Certainly we could be prepared to have an additional meeting. Also, I don't believe you've scheduled everything right through to the end of the session yet, so certainly as the chair, you can look at that. We'd be prepared to have an additional meeting, if that's required, so it doesn't hold up any other work we're supposed to be doing.

**The Chair:** Thank you.

Is Mr. Hoback still with us, or has he gone?

Mr. Dalton, you have the floor.

**Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC):** Thank you.

I just want to add my voice in support of the motion. This is very impactful. The tariff can have a tremendous impact. The previous one already has. It has closed so many mills, for example, in British Columbia and throughout Canada.

I think the attention and focus on this could add some light and be very helpful.

**The Chair:** Thank you.

We will go to Mr. Lobb and then Monsieur Savard-Tremblay.

Mr. Lobb.

**Mr. Ben Lobb (Huron—Bruce, CPC):** Thank you very much, Madam Chair.

In my riding, we likely have over 600 supply-managed farms—it's likely more than that—and we think of the employment that spins off from that.

I hear what Mr. Savard is saying, but at the same time, could you imagine not dealing with this issue at the trade committee and giving it to somebody else, or turning it down? There are people, whether builders or woodlot owners—in a corporate sense—or sawmills, who are counting on this, and it's a huge part of some rural economies, for sure.

I think we can do both and make sure we meet the mandate. There are a lot of Canadians who would be counting on us to get more answers on these tariffs.

**The Chair:** We will go to Monsieur Savard-Tremblay and then Monsieur Sarai.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** I have an amendment.

As alluded to by Ms. Bendayan, the supply management study is very important to me.

I want to be sure we don't go longer than we are supposed to.

I propose that a clarification be added, but it would not alter the rest of the motion. I move the following wording be added at the end of Ms. Gray's motion: "whereas the meeting of June 7 be devoted to Bill C-216".

I think we should put that in writing.

That is the amendment I am proposing to the motion put forward by the Conservatives.

[English]

**The Chair:** Okay. Go ahead, Mr. Sarai.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Madam Chair, I wanted to state that softwood lumber is an important issue for me, Mr. Dhaliwal and others from British Columbia. It's a paramount issue. However, I think the CAAM committee is already looking at a lot of these protectionist measures and has looked at this. They would probably be the appropriate place for this study at this time. I'm a member of that as well, as is my colleague from the other side here. I think that might be the appropriate measure, as the timeline for doing such in this committee might be very tight.

Thank you.

**The Chair:** Go ahead, Ms. Bendayan.

• (1320)

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

I'm glad we were able to hear from Mr. Sarai. I know that this issue is important right across the country, but particularly so in British Columbia, and many members of our caucus are from British Columbia, including on this committee.

I think what you have before you, Madam Chair, if I can summarize, is what sounds like general agreement that the softwood lumber issue should be studied.

I understand what our colleague Monsieur Savard-Tremblay is proposing, but I wonder if I might propose to him and to all colleagues that, rather than engaging in what might be a truncated study, we first address the private member's bill, Bill C-216. I believe the discussion around the table was revolving around either two or possibly three meetings. I'm happy to have that discussion again to see where members stand on this, but we should complete the review of Bill C-216 and go to softwood lumber thereafter.

That would be my suggestion, and I would be happy to move a formal amendment, but if you would like to hear from others first, I'm fine with that as well, Madam Chair.

**The Chair:** Go ahead, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

I think, for the amendment that Mr. Savard-Tremblay proposed, I would be fine with that, absolutely, so that it still, as I said earlier, stays within our original timelines. It addresses this very pressing and urgent issue that is important to Canadians, and it still stays within the timelines we've already all agreed to. I would be fine with Mr. Savard-Tremblay's amendment.

**The Chair:** Madam Clerk, I may need your assistance here.

In advance of knowing that there was a lot of interest from all committee members on the softwood lumber, the clerk reached out to the minister as to her availability. She has confirmed that she would be available on June 4.

I'm going to ask the clerk to make sure I'm following things. As I understood it from Mr. Savard-Tremblay and everyone else, if we were to adopt the motion as is, as Ms. Gray put forward, understanding that the minister would appear on June 4, that satisfies the requirements.

I had already put together a schedule based on the responses to the email that went out, which suggested that on June 7 we would deal with Bill C-216, that June 11 would be Bill C-216 with officials, and that June 14 would be clause-by-clause consideration of Bill C-216.

If I put that out there, if everybody is in agreement with this—

Ms. Bendayan.

**Ms. Rachel Bendayan:** I'm sorry. I'm terribly confused as to what is on the table at the moment.

[Translation]

Mr. Savard-Tremblay had proposed something, I had proposed something and we were discussing it.

With all due respect, Madam Chair, I don't think the amendment before you is very clear.

I think it would be better if we came to an agreement on how to move forward. I can propose an amendment, if you like, and send it out. However, I move that we start with the study of Bill C-216, and then move on to the softwood lumber study.

I think the Conservative motion put forward by Ms. Gray would need amending only in relation to the June 4 deadline. The deadline would need to be pushed back until after the Bill C-216 study.

Mr. Savard-Tremblay, you can propose the amendment or I can, if you prefer, but I think, at this point, it's important to have things laid out clearly so we know what exactly we are voting on.

[English]

**The Chair:** I was trying to clarify that.

Mr. Savard-Tremblay wanted to move an amendment to Ms. Gray's motion, adding that we would for sure start with Bill C-216 on June 7. What I reiterated was exactly how that might work. I'm very conscious of time, as well, so if we can come to an agreement on how we want to do this....

I have Ms. Gray and then Mr. Aboultaif.

Go ahead, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

I was just going to say, before something else is brought forth, that from the procedural standpoint we have a motion and we have an amendment that we've accepted to the motion, but which we haven't considered. That's what we're addressing here first.

• (1325)

**The Chair:** Yes. My understanding is that the motion as amended would have to go first.

Mr. Aboultaif.

**Mr. Ziad Aboultaif (Edmonton Manning, CPC):** Thank you, Madam Chair. I thought the amendment came from the Bloc Québécois. I'm surprised that Ms. Bendayan is jumping to propose it, and as to the procedural facts, Ms. Gray has already spoken about those. I hope that as soon as the minister is available on June 4, that will be enough. It will be easy and it will be important to get the lumber issue dealt with. I think it is quite critical. In this way we can hit two birds with one stone.

I thought to clarify that.

**The Chair:** Thank you very much.

Mr. Arya.

**Mr. Chandra Arya:** Madam Chair, if my understanding of the amendment is correct, Mr. Savard-Tremblay is proposing that his bill be discussed on June 7. It appears that it will be limited to only June 7, if my understanding of this amendment is correct. When I listened to you, it appeared that we are agreeing to three days of sitting for his private member's bill.

I don't know. Can somebody clarify this, please?

**The Chair:** Okay, hold on.

Mr. Savard-Tremblay, your amendment—

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** I can go ahead and add the clarification. Instead of referring to June 7, the amendment should indicate all three dates. The honourable member made a good point.

[*English*]

**The Chair:** Just to clarify your motion, Mr. Savard-Tremblay, your amendment to Ms. Gray's motion is to add that on June 7 we would start Bill C-216. Is that correct?

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** The purpose of my amendment is to secure the specified dates for the study of Bill C-216. I am open to hearing Ms. Bendayan's amendment to change the June 4 deadline, but I still want to add my comments. After that, we can discuss another amendment, but I do want to secure the three dates.

I will read the amendment. At the end of the motion, the following wording would be added: "whereas the meetings of June 7, June 11 and June 14 be devoted to Bill C-216".

[*English*]

**The Chair:** Yes, that is, I believe, where we're heading.

I have Mr. Dhaliwal, but I need to move on this issue.

**Mr. Matthew Green:** I have a point of order. I believe you overlooked me in the last one. I was going to wait, but—

**The Chair:** Did I? You weren't on the screen. Thank you. I didn't even see you.

**Mr. Matthew Green (Hamilton Centre, NDP):** On a point of order, could I just ask to have the whole motion read? It feels as though there's a lot on the table right now.

I just want to state that, from our perspective, we were looking at the Wednesday or Thursday for softwood, but now I'm hearing a bunch of different things. I just want to make sure I know what's being voted on. Can we get the motion as proposed, with the amendment? That would give me a clearer picture.

**The Chair:** Okay. Madam Clerk, I will read out the motion Ms. Gray moved, but we will be voting on Monsieur Savard-Tremblay's amendment to start Bill C-216 on June 7. Is that correct?

**The Clerk of the Committee (Ms. Christine Lafrance):** Mr. Savard-Tremblay just added that June 7, 11 and 14 be devoted to Bill C-216.

**The Chair:** Yes. They would be devoted to Bill C-216.

Not seeing any further discussion, I will ask all those in favour of the amendment to the main motion to signify. Can I see some hands?

Madam Clerk, can you record this, please?

• (1330)

**The Clerk:** This is very difficult. Can we do a recorded vote? It's rare that the clerk would ask that, but at this point it is difficult.

**The Chair:** Yes. You need a recorded vote.

**The Clerk:** Yes, just for clarity. The question is on Mr. Savard-Tremblay's motion to devote June 7, 11 and 14 to Bill C-216.

(Amendment agreed to: yeas 10; nays 0)

**The Chair:** The amendment of Mr. Savard-Tremblay carries.

Now we need a vote on the main motion moved by Ms. Gray, as amended. Can we get a show of hands?

Mr. Savard-Tremblay has a point of order.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** Madam Chair, it's just that I thought Ms. Bendayan had an amendment as well.

Am I mistaken?

**Ms. Rachel Bendayan:** May I have the floor, Madam Chair?

[English]

**The Chair:** Yes, Ms. Bendayan.

[Translation]

**Ms. Rachel Bendayan:** I think the amendment I mentioned earlier is still relevant, even though the amendment we just adopted changes things a bit.

I had suggested that we study Bill C-216 before moving on to the softwood lumber study. Since certain dates have already been designated for the Bill C-216 study, I'm wondering whether the amendment still works.

Madam Chair, would you mind reminding us what we have on the schedule for next week? That will give us an idea of what's in store for the next few days.

[English]

**The Chair:** At the moment, based on the direction I see us going in, on May 31 we have the draft reports on WTO and ISDS. On June 4, according to the motion, we are with Minister Ng and her officials on softwood trade. Then we would start Bill C-216 on June 7, June 11 and June 14.

That's what the committee has adopted so far, so that's where we are right now.

**Ms. Rachel Bendayan:** Madam Chair, I don't think the committee voted on the motion of Ms. Gray.

**The Chair:** No, we haven't. We still have to vote on that motion, which is what we were about to do—

**Ms. Rachel Bendayan:** My question was with respect to the schedule of this committee for June 4 at the moment, which would not necessarily be softwood lumber until we—

**The Chair:** No, it could be open to whatever the committee wants it to be if the committee votes down the main motion, so I'd like us to vote on this motion by Ms. Gray. If it carries, then June 4 is the last date of availability that's on the schedule that the minister could attend.

**Ms. Rachel Bendayan:** I understand, but perhaps let me phrase it this way. Were we to continue our study for Mr. Sheehan on the environment and its impact on trade? Was that the original schedule for June 4?

**The Chair:** Yes, that was the plan prior to Ms. Gray's motion.

All right. I don't even know where to start.

Mr. Green, you don't have your hand up but I see you on the top of the screen—

**Mr. Matthew Green:** It is up, and I do appreciate being recognized.

**The Chair:** There it is on the very side corner there, but it's a different colour from all the others, so I can barely see it.

**Mr. Matthew Green:** As am I, so this is the beautiful thing about Zoom. I appreciate the equity and diversity and inclusion through technology.

• (1335)

**The Chair:** Oh, oh!

All right. I'm sorry. Let's just move on here.

**Mr. Matthew Green:** I want to state that I share, in a non-partisan way, the confusion of many of the people on this committee, but I requested, if you recall, a full reading of the motion that is before us, so we know exactly what we're voting on.

**The Chair:** We will have exactly that when we are ready to vote. I have to deal with—

**Mr. Matthew Green:** Madam Chair, if I may, the challenge with that is that in order for me to decide whether I want to make an intervention based on the vote, I need to know what we're voting on. If you're going to read it out only at the time of the vote, it's too late.

For the purpose of this scheduling, I'm here on behalf of somebody else. I would just ask that you not rush through this meeting in this way and that you slow down a little and just provide us a chance to make sure that we're adequately representing the interests of the positions we want to take as MPs here.

**The Chair:** Mr. Green, just to make sure everybody is very clear, I am going to read out the motion Ms. Gray moved earlier.

Ms. Gray moved:

That the committee hold a meeting to invite the Minister of Small Business, Export Promotion and International Trade and relevant government officials to discuss the United States Department of Commerce's preliminary determinations increasing duties on Canadian softwood lumber exports from 8.99% to 18.32%; that the meeting be at least two hours in length; that the minister appear for no fewer than one hour and that appropriate government officials appear for no fewer than two hours; and that this meeting occur no later than June 4, 2021.

We will vote on that shortly, but next I have Mr. Dhaliwal and Mr. Hoback.

Mr. Dhaliwal.

**Mr. Sukh Dhaliwal (Surrey—Newton, Lib.):** Madam Chair, I've been through these committee meetings for many years, but not as many as you.

When we have a draft report going on, on the WTO, and then we have Bill C-216, we are saying we will be able to go through clause-by-clause on the 7th, 11th and 14th. I have seen that there is always some reason for it to take more than one meeting.

If we do that, I think we are jeopardizing everything. We might be jeopardizing the draft report on the WTO. We might be jeopardizing Bill C-216. If the intention is to make sure that we finish Bill C-216, then I would agree with the parliamentary secretary that we should have Bill C-216 scheduled right after May 31, after the draft WTO report. Even though I am from British Columbia and softwood lumber has always been near and dear to us, as my colleague, dear friend and brother Randeep said earlier, we have studied this in previous years and I have raised this time and time again.

I just want to make sure we don't jeopardize these two studies: Bill C-216 and the draft on the WTO. That's why I was thinking, why don't we just finish off the draft report on the WTO? When it's done, we start on Bill C-216, and when that's done, we go to Madam Gray's motion on softwood lumber?

Also, we'd jeopardize Terry Sheehan, of course. We'd just throw his issue out.

**The Chair:** Mr. Hoback is next, and then Ms. Gray and Mr. Sheehan.

**Mr. Randy Hoback:** Thank you, Chair.

First of all, now that we've done the amendment, we've actually fixed the dates for Bill C-216. If we don't pass the main motion, the amendment doesn't pass either, so then the dates are not fixed for Bill C-216 and that leaves it up in the air.

In regard to the minister's availability, you've made it very clear that the clerk has talked to the minister and she has made very clear the only days that she can be there, so it does dictate the schedule in regard—

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** I have a point of order, Madam Chair.

I thought we had agreed that members would turn on their cameras when they were speaking.

[*English*]

**The Chair:** Yes.

**Mr. Randy Hoback:** I'm doing the best I can. I'm in an area with—

**The Chair:** Mr. Hoback is having technical problems. We clearly hear his voice and we all recognize it.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** My apologies. Good luck to Mr. Hoback. I hope he's able to resolve his technical issues.

[*English*]

**The Chair:** Mr. Hoback.

**Mr. Randy Hoback:** Yes, I'm still here.

If I could finish my point, the schedule is unravelling the way it has to unravel, and there are not a lot of choices in it in regard to completing it.

What's surprising me here is that the Liberals don't think this is a crisis. This is a crisis. This is a huge crisis. I think the Bloc member would agree with me if he went back to his forestry workers and listened to them. They would say it's a crisis for them, big time, just as the dairy farmers think they're facing a crisis; plus with tariff rate quotas nipping at their heels in the U.S., that's also a crisis.

When I look at the studies, yes, they are important, but this time is of the essence. To have the committee look at this quickly and have the minister's response and strategy around that would be very helpful to enable people in these industries to understand just exactly what's going on and how they're going to deal with it.

• (1340)

**The Chair:** Thank you, Mr. Hoback.

Mr. Sheehan.

**Mr. Terry Sheehan (Sault Ste. Marie, Lib.):** Thank you very much.

All these issues that we're discussing today are extremely important. It's been raised with respect to the green clean tech study that we were going to get the recommendations done expeditiously. I have spoken before. First of all, people have said it's my motion, but it's really the committee's motion, because we did Mr. Lobb's nuclear part and a whole bunch of things. We heard a whole bunch in our testimony to the effect that action needs to be happening now.

There are a lot of really important things happening. We heard about the solar industry in Canada, with an 18% tariff. The minister has raised it with officials. All the issues that we are facing—such as tariffs, trade and managed trade—are important to address, but I am in favour of the three days identified for the particular dairy study that was undertaken. As well, I am in favour of studying the forest industry.

I think the real hinge is to have the minister here on that particular day. I think that's the desire of the committee. I want to make it abundantly clear that if that is not the best date for the minister and there is a better date in the very near future, it behooves us to take a look at that and to not lose sight of that really important clean green tech study that we are undertaking. I note that we are running short of runway as the session is coming to an end. I just wanted to make sure I put that out there for the committee's consideration, as well.

**The Chair:** Thank you, Mr. Sheehan.

We will hear from Mrs. Gray and then Ms. Bendayan.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

I think you've laid out really clearly how the schedule will work. It's very similar to what you had previously, especially with the private member's bill. You've determined when the minister is able to attend and it fits within the motion, so I think what we're dealing with here is pretty simple.

If the committee wants to continue with other studies—we still have the COVID-19 trade study open—we can sit during the summer. We can have a conversation about the work schedule. We could certainly look at having meetings during the summer to continue with these studies. That's a separate conversation we could all choose to have.

In the meantime, I'd like to call for a vote. I think we've deliberated on this a lot. We can then continue with the other work we have to do today.

**The Chair:** I have only one speaker left on the floor. If it's okay with the committee, we'll hear from Ms. Bendayan.

Ms. Bendayan.

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

I first want to respond to a comment made earlier by Mr. Hoback.

I find it interesting that he mentions both the urgency of the softwood lumber issue and the importance of looking at matters that pertain to our dairy farmers in the same breath. We agree on both of those fronts and that is exactly what this committee is discussing. I hope my colleague wasn't indicating that the supply management private member's bill, Bill C-216, is not critical for our dairy farmers, because it is. I—

**Mr. Randy Hoback:** That's not what I said. You know that's not what I said. I said these were both very important. For you to assume something different is actually putting words in my mouth. I resent that.

**The Chair:** Ms. Bendayan has the floor, Mr. Hoback.

Please, Ms. Bendayan.

**Ms. Rachel Bendayan:** My suggestion was that we study supply management first and then go straight to softwood lumber. You implied that softwood lumber was not a priority for the Liberal Party of Canada, which is completely and utterly false. I wanted to correct the record there and propose that the easiest way to move forward is to vote on Mrs. Gray's motion but to allow some flexibility in the dates. I personally am very confused as to where the schedule lies at the moment. Perhaps the chair can circulate an agenda proposing certain dates for everything, bearing in mind the urgency of the situation.

At this moment, I don't have a clear understanding of the next few meetings. I believe others would agree with me on that.

I am happy to support this motion to ensure that we have one meeting, as Mrs. Gray proposes. All of the rest of the motion is quite clear. However, on the date, I'm having trouble understanding where we go from here and whether or not we are doing Bill C-216 before the softwood lumber.

Perhaps, Madam Chair, you can take that back once we vote on the motion without the date. You can then circulate a schedule or a timeline between now and the end of the session, so that everybody has a clear picture of where this committee is going.

• (1345)

**The Chair:** I'm happy to do this. I think we need to vote on the motion moved by Mrs. Gray.

Mr. Savard-Tremblay, you have your hand raised, but I need to call a vote on this.

The floor is yours. Go ahead.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** Madam Chair, I just need you to clarify something, please.

We are voting on the motion as amended, so if another date is being proposed, why can't we treat it like an amendment?

[*English*]

**The Chair:** I have no other motions on the floor. We have adopted the amendment. I am now going to read out again the motion moved by Mrs. Gray, which we will vote on.

It says:

That the committee hold a meeting to invite the Minister of Small Business, Export Promotion and International Trade and relevant government officials to discuss the United States Department of Commerce's preliminary determinations increasing duties on Canadian softwood lumber exports from 8.99% to 18.32%; that the meeting be at least two hours in length; that the minister appear for no fewer than one hour—

**Ms. Rachel Bendayan:** I have a point of order, Madam Chair. There are members who still want to speak to this.

**Mr. Sukh Dhaliwal:** On a point of order, Madam Chair, I have my hand up, too.

**The Chair:** I'm sorry. We have a full agenda for the rest of today's meeting.

**Mr. Sukh Dhaliwal:** I know, Madam Chair.

You're one of the best chairs, but I had my hand up.

**The Chair:** Okay.

Go ahead, Mr. Dhaliwal.

**Mr. Sukh Dhaliwal:** Madam Chair, I have two things to say.

Number one is that I would like to ask, through you to Madam Bendayan, if she had the amendment to study Bill C-216 before the softwood lumber. Otherwise, I'm going to propose an amendment that instead of the 4th, we say the minister comes on the 14th on softwood lumber. It is to change the date from the 4th to the 14th and make the other dates earlier for Bill C-216.

**The Chair:** We have already adopted June 7, 11 and 14 for Bill C-216.

**Mr. Sukh Dhaliwal:** I still can bring an amendment.

**The Chair:** Okay, so you're—

**Mr. Randy Hoback:** I have a point of order, Chair.

This is totally unorganized. You have already fixed the amendment of the dates, so to move another amendment... The only way that could have happened is if you had done a subamendment to the original amendment beforehand.

**The Chair:** Exactly. That wasn't done. We have already adopted that one.

I'm going to call for a vote on the main motion that I had read out halfway. I will complete reading out this motion:

...from 8.99% to 18.32%; that the meeting be at least two hours in length; that the minister appear for no fewer than one hour and that appropriate government officials appear for no fewer than two hours; and that this meeting occur no later than June 4, 2021.

Madam Clerk, can we please have a recorded vote on Mrs. Gray's motion as amended by Mr. Savard-Tremblay?

Is everybody clear here? There are no other motions, or amendments or anything else. This is what we're voting on.

(Motion as amended agreed to: yeas 11; nays 0)

**The Chair:** That's wonderful.

At this point, I will have to suspend the meeting so we can get our witnesses all online. Following the meeting, I will have the clerk immediately send out a clear schedule of the next meetings based on today.

We are suspended for five minutes.

• (1350) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1355)

**The Chair:** My apologies for the delay.

As witnesses today, we have, as an individual, Alexander Douglas, research group leader, Oxford University.

From Amnistie internationale Canada francophone, we have France-Isabelle Langlois, executive director, and Colette Lelièvre, responsible for campaigns.

From Doctors Without Borders, we have Jason Nickerson, humanitarian representative to Canada, and Adam Houston, medical policy and advocacy officer.

From Le Réseau québécois sur l'intégration continentale, we have Claude Vaillancourt, member, and Hamid Benhmade, network coordinator.

Mr. Douglas, you have five minutes, please.

**Dr. Alexander Douglas (Research Group Leader, Oxford University, As an Individual):** Thank you very much for the invitation to appear today. I hope I can be of some help to the committee's study on this very important topic.

I will provide some background first. I'm a university employee and researcher, but I'm speaking in a personal capacity today. I have a conflict of interest to declare in that I may receive income as an inventor of a patent application relating to the manufacture of the Oxford-AstraZeneca vaccine.

My role in the Oxford COVID vaccine program has primarily been to develop the manufacturing process and lead the initial technology transfer, both to sites within the U.K. and to overseas sites, including the Serum Institute of India. I have subsequently worked closely with AZ, but I can't speak for AZ at all. I understand that your remit includes Canada's domestic vaccine supply, but I've had no involvement with AZ's arrangements for supply to Canada.

Equity of access to our vaccine has been a really key driver for me and our team from the beginning. We transferred manufacturing to low-income countries at the same time as setting it up in the U.K. We prioritized willingness to pursue equitable access in our choice of pharma partners and pushed very hard for terms to promote equitable access when we entered the partnership with AZ. The outcome really has been quite radical on that, in terms of both pricing and distribution.

Clearly, though, the world is now in exactly the situation we were worried about when we were taking those decisions. Personally, it's important to be clear. It's outrageous that some countries are vaccinating 18-year-olds while the global rates of COVID-19 deaths are pretty much as high as they have been, and health work-

ers and 70-year-olds are unprotected and dying in many parts of the world.

This is damaging for all of us, not least because of the ongoing economic disruption. The IMF has published an excellent study showing massive economic benefits to high-income countries of fast and equitable global vaccination.

What can be done now? In particular, is a TRIPS waiver the right thing to focus on?

It's critical to understand how different the situation is now from the problem of HIV drug access 20 years ago in low-income countries, for which patent waivers were very effective. That was a problem of price. There was potential manufacturing capacity sitting idle, and the patent was the main block. Now, we're in a much more complicated situation. The manufacturing capacity itself needs to be expanded as quickly as possible, and that requires removal of multiple non-patent constraints, such as raw material supplies, skills and non-patent know-how.

Removing patents implies new entrants with less experience competing with the innovating companies for those resources and duplicating efforts on developing know-how. That would be really quite inefficient. Having governments work in a critical but constructive partnership with innovators to expand that effort and improve equity of supply is likely to be a much better solution. It's clear that the status quo isn't working. Some of those innovating companies are not currently feeling that it's in their interests to prioritize low-income country supply. We need to examine and address the reasons for that, and countries like Canada can play a really positive role in that.

First, we need to be clear that the current situation on the distribution of vaccines that exist is intolerable. We need moral pressure on Pfizer, Moderna and governments that are vaccinating young adults to donate a proportion of their supply immediately.

Second, we need to see whether we can make the supply we have cover more people. It may well be that half doses of the existing vaccines are adequate, which would double supply at a stroke. That could be established very rapidly if clinical trials of low doses were set up urgently, but I don't see the companies rushing to do that without governmental intervention.

Third, we need to expand the supply, and with a G7 meeting coming up, we need an international, G7-led version of the operation warp speed effort. Rather than focusing on initial vaccine development for one country, this time it would be focused on manufacturing capacity expansion for the world.

That needs governments to really constructively engage, not just donate money. That effort can and should echo the features that made Operation Warp Speed and the U.K. vaccines task force effective. That means bringing together technical expertise, getting into the detail, understanding the different bottlenecks facing each manufacturer, and creating solutions.

It needs to use the clout of government to compel, but deploy it smartly, and it needs to act not just as a passive or even a pushy customer, but like a venture capital investor, as a partner and an enabler for industry.

- (1400)

We're dealing here with transnational supply chains, so this has to be an international solution to an international problem. However, increasing output should help everyone too. It's a huge win-win. I hope that you and Canada consider picking up on the positive motivation behind the patent waiver idea and driving things forward in a really effective, equitable direction.

Thank you.

**The Chair:** Thank you very much, Mr. Douglas.

We will now go to Amnistie internationale Canada francophone, with France-Isabelle Langlois.

Go ahead, Ms. Langlois.

**Ms. France-Isabelle Langlois (Executive Director, Amnistie internationale Canada francophone):** Thank you.

[*Translation*]

Ladies and gentlemen of the Parliament of Canada and members of the Standing Committee on International Trade, thank you for inviting Amnistie internationale Canada francophone to the hearings into Canada's position the proposed waiver from the agreement on trade-related aspects of intellectual property rights, the TRIPS, which was submitted to the World Trade Organization, the WTO.

As an organization that defends and promotes human rights, Amnesty International became involved from the first moments of the pandemic in order to call for unfailing international solidarity by all states, especially the richest ones. For Amnistie internationale Canada francophone, this includes Canada. We therefore call on Canada to support, firmly and without further delay, the revised proposal for a waiver submitted to the WTO on May 21, 2021.

In October 2020, seven months ago now, India and South Africa called for a temporary waiver to the WTO's TRIPS Agreement until the majority of the world's population is immune. Although 60 countries are co-sponsoring the proposal for a waiver and more than 100 of the WTO's 164 member states are in favour, a certain number of prosperous states are still opposed to it, while others, like Canada, remain neutral. Canada claims that it is not causing an obstruction but simply asking questions.

Nevertheless, although time is an issue, the result of Canada's position is that agreement on the waiver is blocked. The waiver would temporarily suspend the implementation, application and enforcement of certain intellectual property rights, such as patents on pharmaceutical products. It would help to guarantee that pandemic-

related medical products, including safe and effective vaccines, can be quickly manufactured by a larger number of suppliers and made available to all at an affordable price.

By supporting the removal of intellectual property protection for vaccines against COVID-19, Canada would be placing the lives of people around the world ahead of the profits of a few pharmaceutical giants and their shareholders. The only way to end the pandemic is to end it globally. The only way to end it globally is to put people before profits, which can only be done by making knowledge and technology available to all.

The international standards of human rights to which Canada subscribes and the regulations governing international trade clearly stipulate that the protection of intellectual property must never come at the expense of public health.

COVID-19 is not only a health and economic crisis, it is also a human rights crisis. It cannot be overcome without true commitment to one of the sustainable development goals: to leave no one behind. Starting from the principle that no one will be safe unless everyone is safe, Canada today has the opportunity to make a decision that would make that goal a reality.

Since the pandemic began, there has been an overwhelming global consensus on the urgent need for all countries to work together so that everyone, everywhere, is protected. The United Nations General Assembly has, on several occasions, stressed the need for intensified international cooperation and multilateral efforts to contain, mitigate and defeat the pandemic. The World Health Assembly has recognized the role of extensive immunization against COVID-19 as a global public good in preventing, containing and stopping transmission in order to bring the pandemic to an end.

Under international human rights law, states also have the obligation to provide the financial and technical support necessary to uphold the right to health, especially in the face of the international spread of a disease. Yet companies in the pharmaceutical industry around the world continue to pursue a business-as-usual approach, which places limits on manufacturing and supply capacities.

Canada has suggested that intellectual property is not an obstacle as far as pharmaceutical products and technologies against COVID-19 are concerned. This ignores the hard evidence that restrictive licensing practices have already caused a shortage of supply in several countries.

On May 5, the United States declared its support for the waiver, at least in terms of vaccines, and the European Parliament declared its openness to the initiative on May 20. Amnesty International repeats its clear demand to the Government of Canada—

• (1405)

[English]

**The Chair:** Thank you very much, Ms. Langlois. I'm sorry to interrupt, but time is very tight. Thank you for your comments.

We'll go on to Doctors Without Borders, with Mr. Nickerson, please, for five minutes.

**Dr. Jason Nickerson (Humanitarian Representative to Canada, Doctors Without Borders):** Hello. Thank you for having us here today.

We're going to speak about two issues that are part of the committee's study from the perspective of our organization, which provides medical assistance to people affected by crises in more than 70 countries around the world.

First, Canada should support the TRIPS waiver. The waiver is not a complete solution to scaling up and diversifying COVID-19 vaccine manufacturing to address the supply shortages, but supporting the waiver quickly clears space and removes legal barriers to then focus on the many other barriers. We emphasize that any waiver must encompass not only vaccines, but other tools like therapeutic drugs and diagnostics and medical devices such as ventilators, as well as the components and equipment needed to make vaccines.

Canada's position during discussions around the TRIPS waiver has been one of indecision—never formally rejecting it, while repeatedly raising alternatives that have failed in the past.

One such alternative raised is the TRIPS article 31 *bis* mechanism, which is operationalized by Canada's access to medicines regime, or CAMR. It is our position that Canada should follow through on its own claims of CAMR's effectiveness by taking the necessary first step of adding COVID-19 vaccines and drugs to schedule 1 of the Patent Act. While Doctors Without Borders does not believe that TRIPS article 31 *bis* or CAMR are effective tools at the best of times, let alone sufficient in this pandemic, Canada's failure to even list these items in schedule 1 means that Canada is the single greatest roadblock to utilizing the very tools it has promoted at the WTO.

The second issue we would like to discuss is domestic production. MSF supports increased domestic production, but it must be done correctly. If Canada's approach to scaling up biomanufacturing in this country is to provide financial support to pharmaceutical companies to build factories here, this funding must come with guarantees of affordable access to the final products, both for Canada and for the rest of the world. This is just common sense. If the public is paying to develop and manufacture medicines, we should all be able to access them at fair prices. To this end, Canada must also be transparent about the terms of all such deals.

Another key question is what to do between pandemics with the public manufacturing capacity that Canada is building. New quality-assured manufacturing capacity that has been initiated for the purposes of producing COVID-19 vaccines should not be shut down or sold off to private interests after the pandemic fades. Rather, Canada should use this capacity to address other important global health issues. Producing a range of products keeps facilities operating and Canada's skills sharp. After all, it's not clear what the

next pandemic will be, and the world needs a diversity of manufacturing capacities.

Canada has world-class researchers. Where it falls short is in end-to-end development to get innovations out of labs and to patients. Products that are vital for global health but have limited commercial appeal have no real pathway to approval.

Take the Canadian-invented Ebola vaccine, discovered by scientists at the National Microbiology Laboratory in Winnipeg. After discovering it, Canada signed a deal to license it to an American company. This ultimately led to the vaccine languishing on a shelf for years. This meant that this effective vaccine was not ready in time for the 2014 West African Ebola outbreak. To be blunt, this cost lives.

Canada has other promising experimental vaccines, such as the ones for Lassa fever and Marburg virus, which have faced similar challenges. End-to-end production from lab bench to patient bedside ought to be part of our biomanufacturing strategy.

Our overarching message here is that there are many important diseases that are essentially market failures: They are not profitable enough to attract investment from private pharmaceutical companies, yet they represent significant public health threats. Ebola, Lassa fever, Marburg and, prior to this pandemic, coronaviruses are all examples.

There are also many important drugs and vaccines that already exist and are regularly in shortage or hard to obtain. Diphtheria antitoxin, the product Connaught Labs was founded to produce, is now almost impossible to procure worldwide. We know this firsthand because when we were responding to simultaneous diphtheria outbreaks in Yemen, Bangladesh and Venezuela in 2017, we quickly realized how few options existed. The same is true for many antibiotics and other low-profit medicines.

A robust biomanufacturing strategy that is guided by public health needs—and not the pursuit of profits—is what needs to guide Canada's biomanufacturing strategy, which ought to be linked to a research and development strategy—

• (1410)

**The Chair:** Thank you very much. I'm sorry to interrupt, Mr. Nickerson.

I'm trying to get everybody's points across here this afternoon and allow the members to ask some questions.

We'll go on to Mr. Vaillancourt, please, for five minutes.

[Translation]

**Mr. Claude Vaillancourt (Member, Réseau québécois sur l'intégration continentale):** Mr. Benhmade will be giving the presentation.

**Mr. Hamid Benhmade (Network Coordinator, Réseau québécois sur l'intégration continentale):** Ladies and gentlemen, my colleague Claude Vaillancourt and I would like to thank you for inviting us to appear before the committee on behalf of the Réseau québécois sur l'intégration continentale.

Currently, as you know, the debate on the waiver of intellectual property rights on anti-coronavirus vaccines reveals a divide between those who are for the waiver and those who are against the waiver.

As my colleagues reminded us earlier, the waiver has been officially endorsed by 58 governments and is supported by 100 countries. A small number of powers are opposed; they include Brazil, Canada, Japan, the United Kingdom and the European Union.

Ladies and gentlemen, whether we are for or against the waiver, one thing is certain: no one can deny that vaccine nationalism may well harm all the investments that have been made to contain the pandemic since it began. That a number of anti-coronavirus vaccines have been produced in less than a year is an unprecedented scientific accomplishment. However, that success, laudable though it is, is presently undermined by unequal, troubling and worrying access to the vaccines. That is why the Réseau québécois sur l'intégration continentale is calling for property rights on the anti-coronavirus vaccines to be suspended for two fundamental reasons. First, for reasons that are humanitarian, not economic, and second, for reasons that are purely economic.

First and foremost, it is time to put humanitarian issues before all other considerations. It is unjust that the least fortunate, basically those from developing countries, should remain at the mercy of pharmaceutical giants, when we know full well that most subsidies intended to support research into the coronavirus come from public funds.

Here we are once more, privatizing profits and socializing losses. The public is paying twice for the same vaccine. We pay first to finance the research and development and we pay again to acquire the doses we need.

Because developed countries have obtained more than half of all the contracts for vaccines, many developing countries will not have mass vaccination before 2025. A delay of that kind could set the scene for potentially dangerous variants in the future and cost many their lives.

Economically, the vaccine war is likely to cost more than the war against the pandemic. That is the conclusion of research published by the National Bureau of Economic Research in the United States. In fact, if countries of the North become vaccinated and countries of the South remain largely excluded from vaccination, the global economy will sustain losses of more than \$9.2 trillion in 2021, almost half of which will be absorbed by advanced economies, including Canada.

Because of the recession that the pandemic is imposing on less-advanced economies, exporters and importers in the advanced economies, of which Canada is one, would be prey, first, to markets that are stagnating or even declining, and second, to global value chains that are more and more disrupted. This is why ensuring free and universal access to anti-coronavirus vaccines, and doing so today, is not only an altruistic and moral act, it is also an economic necessity.

In the light of these factors, which we invite Canada to consider, our network urges the Government of Canada to support the waiver of intellectual property rights on vaccines and to promote it in international discussions.

In the long term, lifting property rights on vaccines against COVID-19 must be followed by the dissemination of knowledge. Some countries in the South have shown that they have a great capacity for producing generic medications. But restrictions on importing them in the TRIPS and the extension of protection for brand-name medications in various free trade agreements, have made it difficult to disseminate essential data so that the medications can be produced and made available.

Ladies and gentlemen, whether the issue is saving lives or re-launching economies, free and universal vaccination is currently the only way we have to achieve it. The extraordinary circumstances of the pandemic call for extraordinary action.

Thank you for your attention.

● (1415)

[English]

**The Chair:** Thank you very much, sir. I appreciate your sensitivity to the time as well.

We'll go to Ms. Gray. There's only time for three minutes each, one question from each of our members, in order for everybody to get in a question.

You have three minutes, please, Ms. Gray.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

I want to thank all the witnesses for being here today and for all of their information.

My first question is for Doctors Without Borders.

I appreciate, first of all, your comments on Canadian manufacturing. This is one of the Conservatives' five pillars as part of our recovery plan: to secure our country and to make us more resilient and prepared.

We know the TRIPS waiver is no silver bullet and that we need a comprehensive approach to get vaccines to developing countries. What role should Canada be playing right now in doing this, outside of the TRIPS waiver negotiations? You mentioned a couple of ideas in your intervention, but they were more for the long term.

What do you think could be done right now, while we're still in the middle of the pandemic?

**Dr. Jason Nickerson:** The immediate answer to that is that we need countries that have secured doses of COVID vaccine to be committing to making donations of a certain percentage of the shipments they will be receiving. The world is, quite frankly, facing a massive inequity in access that's in motion today, and there is a global shortage of available supply. The COVAX facility, which is the primary mechanism for many countries to access COVID-19 vaccines, is short 150 million doses this month, and that will increase to 190 million doses next month. Really, in the face of quite limited manufacturing capacity, which has increased but hasn't significantly diversified, the immediate solution we need—and it's a stopgap emergency measure—is for countries to be donating doses to be reallocated to lower-income countries.

**Mrs. Tracy Gray:** Thank you so much. Our time is so limited here, so I want to squeeze in a couple more quickly, if I could.

You're aware of the COVAX program. While Canada is allowed to take vaccines through this program, do you think it's appropriate for us to be doing so? We are the only G7 country at this point to do so.

• (1420)

**Dr. Jason Nickerson:** Canada should not be taking doses from the COVAX facility as part of this round of dose distributions. It's appropriate for Canada to be a purchaser through the COVAX facility, but Canada also procured a large number of doses through bilateral agreements, and those have impeded COVAX's ability to secure doses.

My answer is no.

**The Chair:** Thank you very much.

We will move on to Ms. Bendayan, please.

[*Translation*]

**Ms. Rachel Bendayan:** Thank you very much, Madam Chair.

My thanks also to all the witnesses for joining us today. You have my apologies for the limited time at our disposal.

Mr. Benhmade, I would like to go back to your comments, however, in order to clarify one point. Canada has never rejected the proposal to waive intellectual property rights.

As you know, WTO decisions are normally made by consensus. So a consensus is needed. As you said, about 100 countries are in favour, but we still need everyone to be on the same wavelength. That is why we asked questions and encouraged the parties to give the matter more thought. I believe we received a text on May 21 or 25. That was just a few days ago. Canada's representatives have said that they would be working on the text and that all countries would move forward together on this issue.

However, you have also heard testimony from other witnesses who have appeared before the committee and a number of other experts, who have said that intellectual property is not the only obstacle to vaccination moving forward. These vaccines contain more than 100 ingredients. So there are also problems in the supply chain.

What do you think of those other problems? How could we address them in order to get things moving forward? Would that be done at the WTO or otherwise?

[*English*]

Because time is short, I might also ask Amnesty International to comment a little on what they are seeing on the ground, and perhaps Doctors Without Borders as well. What else is missing, other than the actual COVID-19 vaccines? Are we in need of needles or other materials in order to make sure that everybody around the world has access to a COVID-19 vaccine?

[*Translation*]

Mr. Benhmade, please go ahead.

**Mr. Hamid Benhmade:** Thank you for your comments and your questions, Ms. Bendayan.

First, as you mentioned, this negotiation process is certainly laborious, because it requires a consensus among the 164 members of the WTO, which is no simple, easy task.

In this case, since we are waiting for the waiver to be approved by consensus, perhaps towards the end of the year, alternate solutions need to be looked at in order to get around that ongoing obstacle. First, countries with surplus vaccines must share them with countries that may not have them available. Then, WTO members must remove the non-tariff barriers that are obstructing the trade in the raw materials and intermediate products needed to produce vaccines. In that way, we could have some solutions for the problems in the supply chains.

The World Health Organization, or WHO, must also work with countries that are in the process of perfecting vaccines in order to provide them with what we call emergency use authorizations. This will speed up vaccination locally.

Finally, because we must not wait until the waiver is approved, we must now identify countries in the South that may be capable of producing vaccines, such as South Africa, Bangladesh, Morocco, Pakistan and Senegal.

As for your second question, whether intellectual property rights apply only to patents or all—

[*English*]

**The Chair:** I'm sorry, sir. We've run out of time for the member. We have to move on.

Mr. Savard-Tremblay, you have three minutes, please.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** Thank you, Madam Chair.

I found it interesting to hear where the representative from the Réseau québécois sur l'intégration continentale was going. I would like to give him the opportunity to finish his answer to the previous question.

Mr. Benhmade, I also have another question for you.

We know that vaccine-producing companies in Russia and China sell licenses. That is basically much like providing patents.

How is it that companies selling vaccines in western countries are not using that approach?

**Mr. Hamid Benhmade:** Thank you very much for the question, Mr. Savard-Tremblay.

Let me first finish my answer to the previous question.

The revision submitted a few days ago by South Africa and India clarifies some points and provides countries with more possibilities. It allows them to decide whether or not they want to grant the waiver.

First, the revised text specifies that the property rights are to be waived on diagnostic instruments, vaccines, medical devices, personal protective equipment, their materials or components, and all means of manufacture for the prevention, treatment or containment of COVID-19. That is the first point that was revised in the latest text.

Second, it specifies the duration for which the waiver is requested. The request is that the waiver be in force for at least 3 years from the date of the current decision. The TRIPS Council will then have the right to review the existence of the exceptional circumstances that do or do not justify the waiver.

Third, it specifies that the General Council shall review the waiver not later than one year after it is granted, and thereafter annually until the waiver terminates, that is to say, up to a maximum of three years.

Fourth, it specifies that WTO members shall not challenge any measures taken in conformity with the provision of the waivers contained in the decision.

As you can see, the current text clarifies some points that were ambiguous or vague in the first submission. The partner countries therefore have a much more concrete and complete text to inform their discussions, as they decide whether or not they will grant the waiver.

• (1425)

**Mr. Simon-Pierre Savard-Tremblay:** Thank you.

[English]

**The Chair:** You have 30 seconds, Mr. Savard-Tremblay.

[Translation]

**Mr. Simon-Pierre Savard-Tremblay:** In that case, let me deal with the other part of my question.

Why is the sale of licenses common among Russian and Chinese companies that manufacture the vaccine, while other companies currently providing vaccines to western countries do not use the same approach?

**Mr. Hamid Benhmade:** Could you be more specific about that question, Mr. Savard-Tremblay?

**Mr. Simon-Pierre Savard-Tremblay:** Do you know why the mechanism is more common in those countries?

**Mr. Hamid Benhmade:** At the moment, I have no concrete data that would help me to answer your question.

[English]

**The Chair:** Thank you very much.

Mr. Green, you have three minutes.

**Mr. Matthew Green:** We've heard today in testimony and we've heard repeatedly that Canada, so far, has maintained it has not rejected the TRIPS proposal. At the same time, it has not supported the tech space negotiations and has continually emphasized the need to hear about specific, concrete IP challenges rather than the solutions.

Would our friend from Doctors Without Borders care to comment about the double standard our Canadian government has when it comes to the TRIPS waiver internationally versus what we're doing here in Canada domestically?

**Dr. Jason Nickerson:** We would emphasize that Canada actually acted quite quickly in enacting domestic legislation that gave the Canadian government the ability to issue compulsory licences. This happened early on in the pandemic. This was prior to there being any vaccines or therapeutics that were approved for use. Canada, as I said, gave itself the ability to issue compulsory licences to effectively waive intellectual property rights in the event that Canada needed to scale up the manufacturing of a COVID-19 tool.

This is effectively the speed and the precision that's needed to respond to a global pandemic today. We of course recognize that intellectual property rights and rules are not the only barrier, but I think all of us would agree that they represent part of the problem, and waiving these rules represents part of the solution in addition to the many other things that need to be put into place. I think—

**Mr. Matthew Green:** I'm sorry to interrupt. There's a pretty important point that was raised in your submission, and I want you to talk about the moral imperative for a moment, which is that Canada does not have to apply for the TRIPS waiver domestically but should not prevent other countries from doing so.

Would you care to comment on that?

**Dr. Jason Nickerson:** Well, it's exactly that. Canada can simply support the passage of the waiver so that countries that are facing potential legal barriers have that risk removed. This is fundamentally what the TRIPS waiver is about: removing the legal risk of a company or a country pursuing domestic manufacturing of COVID vaccines.

There are other things that need to fall into place, but removing that risk is a significant step.

**Mr. Matthew Green:** In closing, Mr. Douglas—

**The Chair:** You'll have to be very quick, Mr. Green.

**Mr. Matthew Green:** —Oxford started off with a promise that it would actually commit this for free in licensing. What changed?

• (1430)

**Dr. Alexander Douglas:** Well, AstraZeneca is selling this not for profit. We have a licence, or AstraZeneca has—

**Mr. Matthew Green:** No, sorry; I mean the university. The university promised to provide licensing for free, and then licensed to AstraZeneca.

What changed?

**Dr. Alexander Douglas:** I should be clear. I'm appearing in a personal capacity.

We tried quite hard, some of us, to find a partner that was willing to take a non-exclusive licence, and we couldn't find such a partner. The—

**The Chair:** I'm sorry, Mr. Douglas, but your time is up for this member.

I have to thank the witnesses. My apologies for the shortness of time, but we have another panel that has to come before the committee yet today. Thank you to the witnesses who are before us.

I will suspend for a minute or two while our clerk connects with the other panellists.

Thank you, again, to the witnesses, and my apologies for the limited amount of time.

• (1430) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1430)

**The Chair:** Thank you very much. I call the meeting back to order.

I want to welcome back Ambassador Stephen de Boer, and the officials from Global Affairs Canada and from Innovation, Science and Economic Development Canada, who have accepted our offer to come back for a second time—following their appearance on April 30 before the committee—in order to answer members' questions.

I understand you do not have opening remarks. We are very glad you don't, and that we can get right on to committee members' questions. We will be very limited in time.

We'll start with Ms. Gray, and we'll try to see if we can give everybody five minutes in the first round.

Ms. Gray, you have five minutes, please.

**Mrs. Tracy Gray:** Thank you, Madam Chair.

I would like to thank all of the witnesses for coming back to this committee today.

I'd like to start my questioning with Ambassador de Boer.

Ambassador, has Canada's position on the WTO TRIPS waiver changed since the last time you appeared before this committee back in April?

• (1435)

**The Clerk:** You're on mute, sir.

**His Excellency Stephen de Boer (Ambassador & Permanent Representative of Canada to the World Trade Organization, Department of Foreign Affairs, Trade and Development):** I'm sorry. I thought you controlled my sound, not I.

In fact, Canada has not changed its position overall. We have never been opposed to the waiver. What has perhaps changed somewhat is that we have more clearly articulated that we're very much ready to engage with the proponents on the proposal, but we have never been opposed to the TRIPS waiver itself.

**Mrs. Tracy Gray:** Thank you.

Madam Chair, I hope that the delay doesn't cut into my time there.

Ambassador, can you please table to the committee any analysis that you or your department may have prepared on the United States announcement from a few weeks ago supporting a COVID-19 TRIPS waiver?

**H.E. Stephen de Boer:** There is no analysis of the U.S. proposal, because the U.S. proposal is nothing more than what you just stated: that they would support discussions of a waiver with respect to TRIPS.

**Mrs. Tracy Gray:** Ambassador, with regard to the TRIPS waiver proposal at the WTO, we know that the WTO often works by consensus, so do you foresee consensus being reached on this proposal in a timely manner?

**H.E. Stephen de Boer:** That's very difficult to say, because it's difficult to know what consensus looks like when we don't have text on the table. I would imagine that if it meets the criteria for the membership, which is to ensure the timely delivery of vaccines and the increased production of vaccines, I see no reason why the membership would block consensus.

However, that's something that will have to be visited when we actually see text on the table and we can ensure that it meets those criteria.

**Mrs. Tracy Gray:** Ambassador, if consensus isn't reached, is there still a way to get the TRIPS waiver proposal enacted by the WTO? How would that process work?

**H.E. Stephen de Boer:** The WTO operates by consensus, so I think it would be difficult to imagine how it would be possible.

I would also say, however, that for many members, including Canada, intellectual property issues around COVID-19 are only one aspect of the issue. There is a range of other issues that can be discussed at the WTO, including trade facilitation, including the removal of export restrictions—things that would encourage the supply of vaccines and inputs to those vaccines.

There is thus a range of policy options and legal options available to the WTO, and consensus could be reached on other aspects.

Canada is working hard—for example, in the Ottawa Group—to come forward with proposals that would address some of these other issues.

**Mrs. Tracy Gray:** On that same note, then, where do you see the biggest hurdles as being right now at the WTO, with the TRIPS waiver proposal? Who are the large players who are not presently supportive of this waiver, and what is their reasoning for not supporting it to this point? As you said, you haven't seen the text, but I'm seeking a general answer, with comments that you're aware of.

**H.E. Stephen de Boer:** It's important to note that no member of the WTO has said they are opposed to the waiver—at least the current proposal that's on the table. Every member is willing to engage. The fundamental issue for many members will be—and I don't feel particularly comfortable speaking on their behalf—whether this will actually increase vaccine production and allow more people to be vaccinated. That will be the fundamental question. That is the stated rationale for the waiver; that is the test by which it needs to be measured and that will be the test when it is being discussed.

**Mrs. Tracy Gray:** Ambassador, the last time you were here—

**The Chair:** Thank you very much, Mrs. Gray. You have 20 seconds left, and it just won't work in the tight schedule we're in today.

We will go to Mr. Arya, please, for five minutes.

**Mr. Chandra Arya:** Thank you, Madam Chair.

Ambassador de Boer, thank you for coming back, and thank you so much for your own and your team's work on this file.

I have heard that because of the engagement of countries such as Canada, the current proposal on the table is much better than the first one, and a lot of ambiguity has been removed. I'm sure that this proposal still has to be refined further.

About 20 years back in my career, I did a study on technology transfer. For knowledge transfer, many people think you just waive the restrictions and everything will flow automatically, but people don't know that knowledge is composed of recorded knowledge and tacit knowledge. Any waiver can easily make the flow of recorded knowledge available, but the tacit knowledge that is required to see actual vaccine production go on, along with all the other supply management issues, is not so simple.

We are, in principle, not opposed to this. Obviously this pandemic is a very major threat to everybody in the world, and we need to do whatever is required to see the pandemic threat eliminated. However, if, going forward, this waiver is just implemented as is without looking at all the aspects, what are the unintended consequences you think may happen?

• (1440)

**H.E. Stephen de Boer:** We don't know, and it's one reason we're asking questions. It's why, for example, Minister Ng said in her statement that she was committed to finding solutions that accelerate global vaccine protection but do not negatively impact public health.

There are concerns, I should say—but this needs to be examined further—that it may divert inputs into vaccine production. It may undermine existing relationships and thus subsequently undermine vaccine production. These are questions that need to be examined.

I don't think it's safe to say there are no downsides. We don't know that. This needs to be discussed further. It's one reason that

Canada has been asking questions and engaging with the proponents since October. This needs to be examined more closely.

**Mr. Chandra Arya:** Thank you, Ambassador. This is exactly the right way to go. When the U.S. came out with the press statement that they're supporting it, everybody thought, "Oh my God, here it is. It will happen tomorrow," without completely understanding what was happening.

You did mention the other options that Canada is exploring. Can you give a quick update as to whether any of those options have gone further? Is there any chance of that getting implemented or considered for sure?

**H.E. Stephen de Boer:** Yes, there are ongoing discussions. I would say, right now at the WTO, we are discussing the next ministerial conference, which will start at the end of November. We're in active discussions about what the things are that need to be done in the lead-up to the ministerial conference and the outputs from the ministerial conference.

The DG and the General Council chair have been very clear. It's impossible to imagine that we would go into a ministerial conference without doing something that would address the pandemic.

As I mentioned earlier, the Ottawa Group has proposals on trying to make sure there's access to PPE, access to therapeutics and increasing vaccine production, and there is growing support for this proposal. You will see very shortly that the EU is engaging in this discussion as an Ottawa Group member, but it also has some other ideas.

The director-general herself is engaging in something called the third way, which is trying to marry manufacturing capacity, IP and the industry to increase vaccine production. There are a number of proposals out there with growing support. It's difficult to know exactly what form this will take by the time we get to MC12, but there is growing support, and there is a recognition that something must be done at the WTO. What we're talking about now is what things could be done.

**The Chair:** Thank you very much.

We'll go on to Mr. Savard-Tremblay for five minutes, please.

[*Translation*]

**Mr. Simon-Pierre Savard-Tremblay:** Thank you, Madam Chair.

Mr. de Boer, you gave us a little explanation about the coming program. You talked to us about the upcoming meetings of the WTO, about what is going to be put forward, and about the ministerial conference.

In terms of the waiver, what is Canada's concrete plan at each of those stages? I'm not talking about Canada's position as such, because you have already told us about that, but about the short-term action plan.

• (1445)

[English]

**H.E. Stephen de Boer:** The plan of action with respect to the waiver in the short term is that there will be a meeting on Monday, an informal TRIPS council meeting, where it will be the first time this new proposal is presented to the TRIPS council. We expect that the proponents will walk us through the proposal, and there will be an opportunity for questions and explanations. We will meet again more formally on June 8 and 9 to discuss further, all with the view to reporting to the general council.

There will be an ongoing dialogue, and that dialogue is happening very soon. As soon as Monday the conversation will start, and the membership will pick this issue up.

[Translation]

**Mr. Simon-Pierre Savard-Tremblay:** Did you feel that the change in the American position was a real catalyst, a defining moment even, as to the way in which the countries of the world will deal with the issue?

[English]

**H.E. Stephen de Boer:** That's hard to say. I can't really get into the minds of other members. I would say this: There is a new proposal on the table. It might be as a result of the U.S. action, but I would also say that the new proposal doesn't seem particularly narrower than the former proposal, so I'm not sure if the proponents think they're closer or further from building consensus because of the U.S. action.

It's not at all clear how the U.S. intends to engage. Many of us had initially thought that the U.S. may be putting a proposal on the table. It's not clear that will be the case. It's not clear to us here in Geneva exactly how this will move forward or what the impact will be.

I suppose the meeting on the 31st might inform us to a certain extent.

[Translation]

**Mr. Simon-Pierre Savard-Tremblay:** Thank you.

When President Biden announced the position of the United States in favour of the waiver, some western countries were rather ambivalent. That was specifically the case of France, if I'm not mistaken.

I imagine that you are having active discussions with those countries. Have you sensed any movement on their side? Are we beginning to set aside our fears and change our approach to those countries?

[English]

**H.E. Stephen de Boer:** France is a bit complicated, because France actually doesn't speak at the WTO. The EU does on France's behalf.

Let me say this: Some of the issues that France raised are the very issues that we have been discussing in the context of the Ottawa Group. France has said there are other issues, not just intellectual property, that are impeding the manufacturing of vaccines—

that are getting in the way of supply chains, for example, and customs issues. I think that's partly where France was coming from.

It's important to note that no country has ever said it was opposed to the waiver. This has been discussed since October in the TRIPS Council and has gone to the General Council a number of times now. The discussions have continued. There may be varying degrees of support for this. There may be more questions for some members than others, but no one has actually said, we are opposed to the waiver. I understand that in the media there seems to be this sense that some countries are opposed, but in the WTO context no one has come out as directly opposed to the waiver.

**The Chair:** Thank you very much.

We go now to Mr. Green, for five minutes, please.

**Mr. Matthew Green:** Thank you.

We keep hearing how you're not opposed, and yet you're not supporting the text-based negotiations. You put out eight questions, along with Australia, Chile and Mexico, but these questions reportedly have been answered in detail, most notably in document IP/C/W/673. Would you care to comment on that?

It's one thing to say you're not opposing it, but if you're not actually getting to the table on the text-based negotiation, you're stalling it. Stalling it is, by virtue, opposing it.

• (1450)

**H.E. Stephen de Boer:** There are a couple of things I could say. One is that the responses we received were more of a historical nature. The questions we have are about how this particular waiver would work in this particular context. A lot of the comparisons are made to HIV medicines, which are very different from vaccines against COVID-19. The questions themselves don't lend themselves to talking about what happened in the past. We need to be thinking about what is the potential for this into the future. It's important to ask these questions—

**Mr. Matthew Green:** Through you, Madam Chair, to the ambassador, respectfully, if Canada feels that the TRIPS waiver isn't necessary, that's fine. I don't understand how you have a moral imperative to block other countries from applying for it.

How do you respond to other members from this committee that even if Canada doesn't want to make the application, you're going to continue to drag your heels and allow other countries to do so?

**H.E. Stephen de Boer:** I'm at a loss to understand how Canada is blocking this discussion. We have been engaged in this discussion since October. There is only a proposal, there is no text on the table. Canada has in good faith asked questions as to how this waiver would operate. I have met with the proponents a number of times to discuss this waiver. This is a consensus organization. Canada does not have the ability to block.

Canada will be looking for the best outcome in order to increase vaccine production. The waiver may be one of those tools, but Canada is not blocking that discussion.

**Mr. Matthew Green:** Madam Chair, through you, is the ambassador briefed on the potential threat that's been raised today of mutant variants, potentially in six to eight months, rendering current vaccines useless, potentially, if we don't get to a place where we have significant increased capacity in production and distribution globally for vaccines?

**The Chair:** I would leave that up to the ambassador.

**Mr. Matthew Green:** I don't believe there is a translation need at the moment, so this is through you to the ambassador.

Is the ambassador briefed?

**H.E. Stephen de Boer:** We are very aware that we need to increase vaccine production very, very quickly, and we are aware that there are health issues associated with variants. The question is, how do we go about doing that in the best way possible?

**Mr. Matthew Green:** I don't know. I'm going to end with a comment.

I think it's morally unconscionable that we're still in this position on this particular case. If it's a big deal, then we should waive it. If it's not a big deal, then we should waive it and we should allow other countries to pursue it. At this point, quite frankly, it's embarrassing that we as a country are at this point, given the risks that are in place here globally and the fact that mutant variants can come back and essentially render the work to date useless.

I'm just going to say on the record here at this committee that I think we have a moral imperative and a duty to get out of the way and to allow any and all opportunities for increased global production. I would hate to be involved in a government that would support a vaccine apartheid in this regard.

Thank you, Madam Chair.

**The Chair:** Thank you.

We go now to Mr. Lobb for the remaining four minutes.

**Mr. Ben Lobb:** Thank you very much, Madam Chair.

I'd like to welcome all our guests.

I would just like to let all the committee know that Ambassador de Boer is one of Huron county's proudest citizens. He grew up down the road from where I live. We actually have had three ambassadors from Huron country, so we're well represented and very proud. I know that Mr. Green was not disparaging Mr. de Boer or any of our other guests here today.

My question is pretty simple. It's in regard to the fact that it appears that all the major pharmaceutical companies at this point in time have accumulated all the raw materials that go into these vaccines. Whether it's the vials, the bags, or the bacteria, they have everything. That being the case, even if TRIPS is approved or whatever happens, is there even a chance that there's going to be any material to produce vaccines in another country or another part of the world?

• (1455)

**H.E. Stephen de Boer:** Having been given that great introduction, I'm not sure that I am able to answer that question.

I would say, however, that one of the reasons for the Ottawa Group proposal is to ensure that those types of things, hopefully, will not happen and that through trade facilitation, through the relaxation of customs, custom duties, tariffs and export restrictions, these goods will flow much more easily.

I don't know whether any of my colleagues who are here can speak more to that particular issue.

**Mr. Ben Lobb:** The last question I have for you has to do with the meeting of your councils on June 8 and 9, I believe. I am wondering if you can briefly enlighten us as to what you think will happen there, or what might happen, and go from there.

**H.E. Stephen de Boer:** It's hard to say. The first meeting will be on Monday. We'll have a much better sense of where members are. We'll have a much better sense of how the proponents wish to move forward and to have others engage on their proposal.

Typically what would happen is that a report would go to the General Council and that would either be the waiver itself or a report that says we need to do more work. Given the time, I would imagine that we will be going to the General Council, which is the overall governing body of the WTO, to say we need more time to discuss this issue. This is a complicated issue for the membership.

**Mr. Ben Lobb:** Is there any more time, Madam Chair?

**The Chair:** You have 57 seconds.

**Mr. Ben Lobb:** Ms. Gray, would you like to take the rest of the time, then?

**The Chair:** Be very quick then. I want one more member to try to get in for the remaining minute. Now it's down to 47 seconds.

**Mrs. Tracy Gray:** Thank you, Madam Chair. I'll be really quick. I'll go back to the ambassador.

You said there were questions that were answered, but they were more historical. Do you anticipate receiving other answers that actually specifically address your questions, and, if so, would you be able to table with the committee what your questions were and any additional answers to them you receive?

**The Chair:** Give a brief answer, Ambassador.

**H.E. Stephen de Boer:** I don't think we're anticipating further questions. We'll put questions on the floor on the 31st.

**The Chair:** Thank you very much.

We'll go to Mr. Sarai for the remaining two minutes.

**Mr. Randeep Sarai:** Thank you, Madam Chair. I didn't think I had that time, but I'll be quick.

I'm going to ask if his excellency can advise us on what the next steps and timelines are in order either to make a decision on this TRIPS waiver or to help those countries that are struggling in this regard.

What would you see as the next step for Canada to assist in getting the COVAX initiative further ahead, as it's been kind of stumbling, or the TRIPS initiative to fruition?

**H.E. Stephen de Boer:** It's hard to say. I can't look into a crystal ball, but I would note that on the narrow issue of intellectual property, typically these matters are supposed to have 90 days, and then if it's not resolved, the issue is over, but we continue to extend that to allow this conversation to carry forward.

I also want to be very clear that the intellectual property aspect of vaccine production and addressing COVID-19 is only one narrow part, a very important but narrow part, of the WTO work. We would see this happening in a number of tracks, including on trade facilitation and on the removal of export restrictions. We would also see it moving in tracks that are outside of the World Trade Organization, at the WHO and COVAX and these other mechanisms, for getting vaccines to other populations.

**Mr. Randeep Sarai:** If the TRIPS waiver was done, is there enough global capacity to create more vaccines rapidly if they were

able to procure the ingredients and get the appropriate licensing and approvals?

**H.E. Stephen de Boer:** That is not at all clear.

The director-general met with manufacturers on April 14. I was part of that meeting. What we heard from manufacturers was a real issue around increasing manufacturing capacity, actually finding the facilities to manufacture the vaccines and then also finding the technical expertise to assist in the production, because it's a difficult and complicated process for developing and manufacturing these vaccines. It's not at all clear how quickly that could be ramped up. It's quite unfortunate, but that seems to be a real problem.

● (1500)

**The Chair:** Thank you very much, Ambassador de Boer.

Thank you to all of our witnesses. We apologize for the short amount of time, but you know how the committee works.

Thank you to all of our committee members.

It is Friday. Have a wonderful weekend and enjoy, hopefully, some sunshine.

The meeting is adjourned.

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