

## TOSSD-eligibility of COVID-19 related activities

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The TOSSD measure includes two pillars: cross-border resource flows (Pillar I) and support to international public goods and global challenges (Pillar II). While Pillar I includes activities that involve cross-border financing to TOSSD-eligible countries<sup>1</sup>, Pillar II covers activities implemented in provider countries, in non-TOSSD eligible countries or at the level of multilateral institutions. Specific eligibility criteria apply to the two pillars of TOSSD. In TOSSD, the concept of International Public Goods (IPGs) includes both Global Public Goods (the benefits of which are nearly universal) and Regional Public Goods (the benefits of which are mostly regional). Only those IPGs that benefit TOSSD-eligible countries are covered in TOSSD Pillar II.<sup>2</sup>

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### **FAQ1: What types of COVID-19 related activities count as TOSSD?**

*Activities eligible to Pillar I (activities implemented in recipient countries)*

**Official cross-border flows to recipient countries, whether concessional or non-concessional, are eligible to Pillar I provided that they meet the general TOSSD sustainability criterion:** “an activity is deemed to support sustainable development if it directly contributes to at least one of the SDG targets... and if no substantial detrimental effect is anticipated on one or more of the other targets.” Supporting recipient countries to cope with the COVID-19 health crisis contributes in particular to SDG target 3.3<sup>3</sup> on the elimination of communicable diseases. Support to tackling the COVID-19 economic crisis can be linked to several SDGs, in particular SDG 8<sup>4</sup> on inclusive and sustainable growth and decent work for all. Cross-border flows that support recipient countries in providing Global Public Goods (GPGs) – e.g. tracking and treating the COVID-19 disease, COVID-19 R&D – are also eligible to Pillar I.

*Activities eligible to Pillar II (activities implemented in provider countries, in non TOSSD-eligible countries or at the level of multilateral institutions)*

**R&D activities in the provider country, in a non-TOSSD-eligible country or at the level of a multilateral institution are eligible for reporting under TOSSD Pillar II as contributions to International Public Goods (IPGs) provided that they meet certain criteria aimed at operationalising the concept of IPGs** (see Box 2 for the complete TOSSD eligibility rules regarding R&D):

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<sup>1</sup> TOSSD-eligible countries include all countries on the DAC List of ODA recipients, but other countries can “opt-in” as TOSSD recipients.

<sup>2</sup> TOSSD data will be collected as from 2020 on 2019 expenditures. Data on expenditures in 2020 will become available at the end of 2021.

<sup>3</sup> “By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.”

<sup>4</sup> “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”

- The first condition is that the research subject is related to the SDGs and applicable to several countries, including at least one TOSSD-eligible country. Most COVID-19 R&D meets this condition.
- In the case of R&D that results in **scientific publications and research data** (e.g. COVID-19 epidemiological studies), the funder institution's public access policy should be based on the **principle of open access**.
- In the case of support for the **development of new products** (experimental development), such as COVID-19 vaccines, treatments or tests, the activity is eligible provided that it meets one of the following conditions aimed at **promoting the access to the products in TOSSD-eligible countries**:
  - The results of the R&D activity are expected to be put in the public domain.
  - Research contracts are associated with conditions that aim at promoting competitive manufacturing, for example through non-exclusive licensing<sup>5</sup>.
  - The support consists of schemes such as Advanced Market Commitments (AMC) which aim at developing a product at low prices.
- In the case where the R&D activity does not meet the above conditions but is followed by an activity that promotes access to a product in developing countries, both the promotion activity and the original R&D activity are eligible.

**International co-operation and co-ordination for COVID-19 response**, i.e. activities carried out at the level of multilateral institutions, are eligible to TOSSD Pillar II provided that they are “implemented in direct co-operation with TOSSD-eligible countries, or private or public institutions from these countries”. The TOSSD Reporting Instructions stipulate that in the case of multilateral organisations, “direct co-operation with TOSSD-eligible countries” is presumed when some TOSSD-eligible countries are members of the organisation. This aims to ensure that TOSSD-eligible countries are directly involved in the resolution of global challenges. Types of activities involved in the context of the COVID-19 pandemic can relate to disease surveillance, norm-setting or political coordination.

**FAQ2: What types of COVID-19 related activities count as TOSSD and not as ODA?**

As explained in FAQ1 on ODA, R&D activities aimed at developing COVID-19 vaccines, treatments and tests do not count as ODA, unless the research addresses the specificities of developing countries<sup>6</sup>. R&D activities can however be counted as TOSSD provided they comply with rules specified in FAQ1. If they involve cross-border flows to TOSSD-eligible countries, they are eligible to TOSSD Pillar I. If they are implemented in provider countries, non-TOSSD eligible countries or at the level of multilateral institutions, they are eligible to TOSSD Pillar II.

Types of R&D in provider countries that are expected to contribute to new knowledge and information on COVID-19 – for example epidemiological studies or clinical trials – are not eligible to ODA but can be eligible to TOSSD Pillar II provided that the funder institution's public access policy is based on the principle of open access to scientific publications and research data.

Earmarked and core contributions to multilateral organisations for global public goods activities, such as disease surveillance, norm-setting or vaccine and treatment research are not eligible to ODA. However, multilateral institutions will report on such activities in TOSSD Pillar II provided that they comply with rules specified in FAQ1.

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<sup>5</sup> Non-Exclusive Licence grants to the licensee the right to use the Intellectual Property Rights (IPRs), but on a non-exclusive basis. That means that the licensor can still exploit the same IPRs and he/she can also allow other licensees to exploit the same intellectual property.

<sup>6</sup> Activities related to delivery of vaccines in developing countries are eligible to ODA as stated in FAQ2 on ODA.

**FAQ3: What types of COVID-19 activities are not eligible to TOSSD?**

Development of COVID-19 products for domestic purposes, which does not meet the criteria specified in FAQ1, is not eligible to TOSSD Pillar II.

Support to COVID-19 R&D actions, the applicability of which is mostly national (e.g. resilience of the national health and social security systems to the pandemic), is not eligible to TOSSD.

Support for domestic R&D activities aimed at creating new knowledge about COVID-19 is not eligible if there is no requirement that the results of the R&D are openly accessible free of charge (principle of open access).

**FAQ4. Do contributions to the Coronavirus Global Response Initiative count as TOSSD?**

Yes, contributions to the Coronavirus Global Response<sup>7</sup> count as TOSSD. The Global Response was launched in response to the “Access to COVID-19 Tools (act) Accelerator”<sup>8</sup>, a global collaboration “to Accelerate the Development, Production and Equitable Access to New COVID-19 diagnostics, therapeutics and vaccines”. The first commitment of the global collaboration is the “aim of equitable global access to innovative tools for COVID-19 for all”. Therefore, R&D activities carried out under this framework are eligible to TOSSD Pillar II given that they meet the TOSSD eligibility criteria which aim precisely at ensuring that new innovations are accessible to developing countries. Cross-border flows to TOSSD-eligible countries for R&D activities are eligible to Pillar I (see FAQ1).

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<sup>7</sup> For more information on the Coronavirus Global response, consult the European Commission website [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_20\\_958](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_958)

<sup>8</sup> [https://www.who.int/who-documents-detail/access-to-covid-19-tools-\(act\)-accelerator](https://www.who.int/who-documents-detail/access-to-covid-19-tools-(act)-accelerator)

### Box 1. TOSSD eligibility rules for Research and Development (R&D)

#### Research & Development (R&D)<sup>9</sup>

R&D is defined as research and experimental development comprising creative and systematic work undertaken in order to increase the stock of knowledge – including knowledge of humankind, culture and society – and to devise new applications of available knowledge. TOSSD includes financing by the official sector of R&D into issues directly related to the Sustainable Development Goals. In addition, it includes basic research, defined as experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts without any particular application or use in view. Although not explicitly mentioned in the 2030 Agenda, basic research is a principal requirement for innovation for sustainable development.

Officially-supported cross-border flows for R&D activities in TOSSD-eligible countries are included in Pillar I. R&D activities carried out in the provider country, in a non-TOSSD-eligible country or at the level of a multilateral institution are eligible for reporting under TOSSD Pillar II provided that:

- a) The research subject is SDG-related and potentially applicable to more than one country, including at least one TOSSD-eligible country, or the research subject is related to basic research. The first criterion is meant to exclude R&D that is relevant to the SDGs, but for which the applicability is largely domestic.
- b) In the case of scientific publications and research data, the funder institution's public access policy is based on the principle of open access<sup>10</sup>. This will ensure that results of the research are put in the public domain and therefore available for populations and scientists worldwide, including in TOSSD-eligible countries.
- c) In the case of official support for experimental development<sup>11</sup>, the activity is eligible provided that it meets one of the following conditions:
  - The results of the R&D activity are expected to be put in the public domain, for example through applied public research.

<sup>9</sup> Definitions in this section are taken from the Frascati Manual available at: <http://www.oecd.org/sti/frascati-manual-2015-9789264239012-en.htm>

<sup>10</sup> According to the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, open access contributions must satisfy two conditions: i) the author(s) and right holder(s) of such contributions grant(s) to all users a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use; ii) a complete version of the work and all supplemental materials, including a copy of the permission as stated above, in an appropriate standard electronic format is deposited (and thus published) in at least one online repository using suitable technical standards (such as the Open Archive definitions) that is supported and maintained by an academic institution, scholarly society, government agency, or other well established organization that seeks to enable open access, unrestricted distribution, interoperability, and long-term archiving.

<sup>11</sup> Experimental development is systematic work, drawing on knowledge gained from research and practical experience and producing additional knowledge, which is directed to producing new products or processes or to improving existing products or processes.

- Research contracts are associated with conditions that aim at promoting competitive manufacturing, for example through non-exclusive licensing<sup>12</sup>.
- The support consists of schemes such as Advanced Market Commitments (AMC) which aim at developing a product at low prices.

In addition, cases where R&D is followed by an activity that promotes access to a product in developing countries, both the promotion activity and the original R&D activity are eligible.

The criteria aim to ensure that R&D activities with potential transnational applicability provide benefits to populations and scientists in TOSSD-eligible countries, by requiring that the results of the R&D activity be available to them and/or by promoting the access to innovation and technologies in these countries.

Source: [TOSSD Reporting Instructions](#)

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