



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 June 2014
(OR. en)**

10924/14

**SAN 234
PHARM 45
PROCIV 53**

NOTE

From: General Secretariat of the Council
To: Council

Subject: **Employment, Social Policy, Health and Consumer Affairs Council meeting on 19 and 20 June 2014**

The Joint Procurement Agreement to procure medical countermeasures
- *Information from the Commission*
(Any Other Business item)

Delegations will find in the Annex an information note from the Commission on the above-mentioned subject.

**JOINT PROCUREMENT AGREEMENT
TO PROCURE MEDICAL COUNTERMEASURES
Information from the Commission**

Following the entry into force of Decision 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health¹, the institutions of the Union and any Member State may engage, on a voluntary basis, in a joint procurement with a view to an advance purchase of medical countermeasures for serious cross-border threats to health (Article 5 of the Decision).

Following extensive consultation with Member States' representatives, on 10 April 2014 the Commission adopted a Decision approving the Joint Procurement Agreement. This Agreement defines the arrangements governing any joint procurement of medical countermeasures, the rules that govern the choice of the procedure, the assessment of the tenders and the award of the contract.

Under the Joint Procurement Agreement, Member States can join forces and purchase together vaccines and other medical countermeasures needed to fight serious cross-border threats to health. The aim is to ensure that Member States are able to secure vaccines and other medicines for their populations under better conditions than in the past.

In addition, the Commission is adopting a declaration to be published in the Official Journal of the European Union confirming that the Joint Procurement Agreement does not confer any additional competence or public law power in relation to public health to the Union or its institutions.

¹ OJ L 293, 5.11.2013, p.1

The Joint Procurement Agreement was submitted to Member States for approval in April 2014 and a signing ceremony is taking place in the margins of the EPSCO Council meeting of 20 June 2014. Twelve Member States have so far confirmed that they are in a position to formally sign the Joint Procurement Agreement, three others have confirmed that they are taking all the necessary steps to do so, nine Member States have confirmed their intention to sign a letter of intent (three of them would be in a position to sign the Agreement before the summer break), three Member States have not formally announced their intention and one Member State has decided not to sign the Agreement at the moment.

This will bring the number of countries having signed the Joint Procurement Agreement to about 18, *i.e.* above the threshold of one third of participating Member States required for the entering into force of the Agreement. This will allow for a rapid start of the work on the first joint tendering of pandemic vaccines. A meeting of the *ad hoc* Working Group on Joint Procurement is scheduled on 3-4 July 2014 and the first Joint Procurement Agreement Steering Committee will be convened mid-September 2014.

The Commission would like to encourage Health Ministers to rapidly nominate their representatives for the Steering Committee. For those Member States which have not yet finalised their approval process, the Agreement foresees the possibility to send observers to the meetings of the Committee.

The Joint Procurement Agreement and background information is available on:

http://ec.europa.eu/health/preparedness_response/key_documents/index_en.htm#anchor0_more