



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council

to: Council

Subject: **Employment, Social Policy, Health and Consumer Affairs** Council meeting on
9 and 10 December 2013

Joint Procurement of Medical Countermeasures
- Information from the Commission
(Any Other Business item)

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

At the EPSCO Council of 7 December 2010, Member States asked the Commission to develop a mechanism for joint procurement of pandemic influenza vaccines. The conditions and arrangements to start up a joint procurement procedure for medical countermeasures are nearly finalised and should be implemented as soon as possible.

Decision 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health entered into force on 6 November 2013. On the basis of Article 5¹ of the Decision, the institutions of the Union and any Member States 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.

The Joint Procurement 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. This Agreement is currently being finalised following comments from the Member States during an ad hoc Working Group on joint procurement held in October. **The Agreement will be submitted for signature and ratification by all Member States in January 2014.**

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

The Commission would like to stress that a Member State who has signed the Joint Procurement Agreement is not obliged to participate in a specific procurement of medical countermeasures. Moreover, the Agreement does not bind the Member State to any budgetary commitment; it merely offers the possibility to choose to participate in procurement in the future.

The Joint Procurement Agreement will enter into force once one third of the signatory States have ratified it, or have notified the Commission that they can approve it without a ratification procedure, depending on their national legislation. Only afterwards can the first joint tendering of pandemic vaccines be processed. Therefore, the sooner the Agreement is ratified or approved by a sufficient number of Member States, the sooner the first specific joint procurement of pandemic vaccines can be launched.

The Commission would like to encourage Health Ministers who would like to participate in the joint procurement of pandemic vaccines or would like to have the possibility to participate in any joint procurement in the future, to approve and ratify the Joint Procurement Agreement as soon as possible.

¹ Article 5 further provides that the joint procurement procedure will be conducted pursuant to the third sub-paragraph of Article 104(1) of the Financial Regulation (EU) No 966/2012 and pursuant to Article 133 of the Rules of Application (See Commission Delegated Regulation (EU) No 1268/2012).