



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Council

Subject: Negotiations for an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations (2005)

Delegations will find in Annex an information note from the Presidency and the Commission on the above mentioned subject to be raised under “Any other business” at the meeting of the EPSCO Council (Health) on 14 March 2023.

Negotiations for an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations (2005)

Background

The EU and its Member States have led international efforts in setting out the process for the negotiation of an international agreement on pandemic prevention, preparedness and response, which was initiated at the special session of the World Health Assembly (WHA) held between 29 November and 1 December 2021, and for the negotiation of complementary amendments to the International Health Regulations (2005).

Bearing in mind the importance of the topic and the prominent role of the European Union in global health, the Council authorized on 3 March 2022 the Commission to negotiate on behalf of the EU, for matters falling within Union competence, an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the IHR (2005). In accordance with the Council Decision, the Commission and the Member States should cooperate closely during the negotiation process. The Working Party on Public Health was designated as the Special Committee in accordance with Article 218(4) of the Treaty on the Functioning of the European Union (TFEU) and practical arrangements have been agreed.

Negotiations for an international agreement on pandemic prevention, preparedness and response

The third meeting of the Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response was held from 5 to 7 December 2022. During that meeting, the INB discussed a Conceptual Zero Draft, which captured under a proposed structure for the future instrument all submissions from Member States and stakeholders. Several delegations also reiterated the importance of coordinating the work of the INB with that of the Working Group on IHR, including avoiding overlaps of meetings and allowing sufficient time for delegations to prepare ahead of the meetings. Following that meeting, the INB Bureau developed the Zero Draft of the pandemic agreement, which was published on 1 February 2023.¹

The fourth meeting of the INB took place from 27 February to 3 March 2023. The INB proceeded through a “first reading” of the Zero Draft, in the form of a question and answer session, and then, started a textual discussion, with drafting suggestions on the first and the second Chapters of the draft. The textual discussion of the Zero Draft is to continue during the fifth meeting of the INB, scheduled on 3 to 6 April 2023. Modalities for the preparation of a first draft document should be decided at the end of the fifth meeting of the INB. WHO Member States were invited to put forward text proposals they wish to be reflected in the first draft.

¹ https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf

Amendments to the International Health Regulations (2005)

The second meeting of the Working Group on Amendments to the International Health Regulations IHR (2005) took place from 20-24 February 2023, during which the 307 proposed amendments to this regulation were discussed for the first time. The Group heard the intent behind the proposed amendments and shared views on each of them. Throughout the discussions, Member States stressed the importance of enhancing capacity building, especially in low-income countries; access to benefits arising from sharing pathogens; equitable access to medical countermeasures; and enhanced cooperation and information sharing. They also agreed on the next steps to tackle more in-depth negotiations on the proposed amendments, and plans for the next meeting of the Working Group running from 17-20 April 2023.

Special Committee meetings under the Swedish Presidency

The Swedish Presidency has so far hosted one meeting of the Working Party on Public Health in its capacity as Special Committee within the meaning of Article 218(4) TFEU.

The meeting was held on 17 February 2023 and focused on strategic discussion on what the EU's goals should be for the upcoming sessions of the Working Group on IHR Amendments (WGIHR) and the INB. Many Member States emphasised that the EU needs to be more visible and focus on outreach in order to take a more prominent role in the negotiations. The Presidency also notified the Member States about its work on establishing a voluntary burden sharing system where Member State Representatives work together with the EU Negotiating Team on specific topics.

The Presidency will continue to organise meetings of the Special Committee before negotiating sessions of the Working Group on IHR Amendments and INB. The next Special Committee meeting will take place on 17 March 2023.