



Council of the
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NOTE

From: General Secretariat of the Council
To: Council

Subject: Special session of the World Health Assembly on pandemic preparedness
and response
(virtual, 29 November - 1 December 2021)
– *Information from the Presidency and the Commission*

Delegations will find in Annex an information note from the Commission on the above mentioned subject to be raised under "Any other business" at the meeting of the EPSCO Council (Health) on 7 December 2021.

**Special session of the World Health Assembly
on pandemic preparedness and response**

The World Health Assembly met in a special session, the second-ever in the history of the World Health Organization (WHO), between 29 November and 1 December 2021.

The decision to convene the second special session of the World Health Assembly (hereafter “the second special session”) was taken by the WHO Member States at the 74th World Health Assembly, held from 24 May to 1 June 2021. In line with the decision taken in May, the second special session was devoted to one agenda item only: “the consideration of the benefits of developing a WHO convention, agreement or other international instrument on pandemic preparedness and response with a view towards the establishment of an intergovernmental process to draft and negotiate such convention, agreement or other international instrument”.

The second special session resulted in the adoption by consensus on 1 December 2021 of a unique decision entitled “The World Together: Establishment of an intergovernmental negotiating body to strengthen pandemic prevention, preparedness and response”. With this decision, the second special session agreed to launch a global process for the negotiation of a new international instrument on pandemic prevention, preparedness and response.

More specifically, the decision establishes an intergovernmental negotiating body to draft and negotiate a WHO convention, agreement, or other international instrument on pandemic prevention, preparedness and response, with a view to adoption under Article 19 of the WHO Constitution, or other provisions of the Constitution as may be deemed appropriate by the intergovernmental negotiating body.

The second special session also defined in its decision the following timelines and modalities:

- The first meeting of the intergovernmental negotiating body shall be held no later than 1 March 2022, to elect its two co-chairs and four vice-chairs (one from each of the six WHO regions) and to agree on its working methods and timelines;
- The process should be an inclusive Member State led process, with first the identification of the substantive elements of the instrument and then the development of a working draft;
- The process should be informed by evidence and should take into account the discussions and outcomes of the Member States Working Group on Strengthening WHO Preparedness and Response to Health Emergencies¹ (hereinafter “WHO Working Group”), particularly with regard to implementation and strengthening of the International Health Regulations (2005);
- The working draft should be presented at the second meeting of the intergovernmental negotiating body, to be held no later than 1 August 2022;
- The intergovernmental negotiating body will negotiate an international instrument on pandemic prevention, preparedness and response, “with a view to adoption under Article 19” of the WHO Constitution (i.e. an international legally-binding agreement), or - at the end of its second meeting - identify another provision of the WHO Constitution under which the instrument should be adopted. It is unlikely that there will be consensus to select a different approach, if an ambitious scope for the agreement is pursued;

¹ The Member States Working Group on Strengthening WHO Preparedness and Response to Health Emergencies has been established by a decision of the 74th World Health Assembly. The working group was tasked with two mandates, closely inter-linked: i) to consider the findings and recommendations of the Independent Panel for Pandemic Preparedness and Response, the IHR Review Committee and the Independent Oversight and Advisory Committee for the WHO Health Emergencies Programme, taking into account relevant work of WHO, as well as the work of other relevant bodies, organisations, non-State actors and any other relevant information, and ii) to prioritize the assessment of the benefits of developing a WHO convention, agreement or other international instrument on pandemic preparedness and response and to provide a report to be considered at the second special session of the World Health Assembly.

- The intergovernmental negotiating body will hold public hearings to inform its deliberations; it shall submit its outcome for consideration by the 77th World Health Assembly in 2024, with a progress report to the 76th World Health Assembly in 2023.

The consensus reached by WHO Member States at the second special session was made possible by the work achieved beforehand in the WHO Working Group. In its report to the second special session, adopted at its fifth meeting on 15 November 2021, the WHO Working Group assessed that “the way forward should include a process or processes for: i) developing a WHO convention, agreement or other international instrument on pandemic preparedness and response, and ii) strengthening the International Health Regulations of 2005, including through implementation, compliance, support for core capacities of the International Health Regulations, and potential targeted amendments to the International Health Regulations”.

The decision of the second special session provides a significant opportunity to reinforce the global health security in light of the lessons learned from the COVID-19 pandemic. Throughout all the discussions within the WHO Working Group and in view of the second special session, the EU has played an active and constructive role in finding a consensus. In its statement welcoming the adoption of the decision by the second special session, the EU clearly reiterated its commitment to “engage with all WHO Member States to develop a new legally binding Pandemic Agreement, that complements the International Health Regulations and other existing mechanisms, to provide the world with a more coherent Global Health Architecture”.

On 1 December 2021, in light of the outcomes of the second special session and to ensure that the EU will continue to play a leading role in the negotiations of the new instrument and of complementary amendments to the International Health Regulations, the Commission adopted a recommendation for a Council Decision authorising the opening of negotiations on behalf of the EU for the conclusion of an international agreement on pandemic preparedness and response as well as for the negotiation of complementary amendments to the International Health Regulations of 2005².

² COM(2021)766 final