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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control – <i>Analysis of the final compromise text with a view to agreement</i> – <i>Statements</i>

Commission Statement

The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a Regulation on the extension of the mandate of the European Centre for Disease Prevention and Control. The new Regulation will reinforce the capacity of the Centre to support the EU and its Member States in the prevention and control of communicable disease threats and improve European preparedness for future health challenges.

The Commission regrets that the agreed text does not fully align the Regulation with the principles of the Common Approach on the EU decentralised agencies, as regards the voting regime of the Management Board concerning the rules governing the languages of the Centre. Therefore the agreement reached between the European Parliament and the Council on the language regime of the agency is without prejudice to any future legislative texts. The Commission remains convinced of the benefits of following all aspects of the Common Approach in relation to decentralised agencies.

Statement by Bulgaria

The Government of the Republic of Bulgaria supports efforts and actions aiming to promote and ensure the preparedness, early warning and response under a strengthened EU health security framework by expanding the ECDC's mandate.

At the same time, we note with concern the trend to introduce unclear provisions in sensitive areas within the whole “European Health Union” package, thus leaving room for legal interpretation and potential difficulties for the Member States at the stage of implementation.

It is of utmost importance to ensure that EU regulations are in line with EU primary law and do not interfere with competences exclusively reserved for the Member States. In this regard the Republic of Bulgaria highlights the key role of principles such as subsidiarity, conferral of powers and division of competencies, including in the context of the implementation of this Regulation and all other files related to the “European Health Union” package. The financial sustainability and all related activities for coordination and management of health preparedness and response capacity and planning of the Member States, as part of the organisation and delivery of health services and medical care remain exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union. The Union competences in this area in the current Regulation remain limited to incentive measures for scientific cooperation, identifying gaps and providing general science-based and non-binding recommendations by ECDC for the strengthening of certain aspects of the health systems.

Moreover, Bulgaria strongly believes that the adoption of measures to protect and improve human health and in particular combating major cross-border health threats should not be interpreted as meaning that one of the main roles of ECDC is to monitor the national health systems' capacities to detect, prevent, respond and recover from outbreaks of communicable diseases, or to ensure alignment or harmonisation between crisis measures or plans. Rather, we count on the ECDC to support the Member States through provision of scientific advice on a voluntary basis, which could support preparedness and response planning, in close collaboration with the Member States.

In view of these considerations and taking positive note of the reassurances by the Slovenian Presidency and the European Commission that Member States' competences remain untouched and the ECDC role – purely supportive for the Member States, the Republic of Bulgaria supports the Regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for Disease Prevention and Control, and states that it will implement the Regulation within the Union competences as laid down in the primary law of the European Union.

Statement by Hungary

Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term 'gender' as reference to 'sex', in the Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control.
