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**NOTE**

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From: General Secretariat of the Council  
To: Council

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

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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 30 November 2023.

**Information from the Presidency and the Commission on the 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 engaged in 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 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 are cooperating 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 sixth Intergovernmental Negotiating Body (INB) meeting was held from 17 to 21 July 2023, with a continuation from 4 to 6 September 2023. In the latter the INB Bureau was mandated to issue a “proposal for a negotiating text” which could serve as basis for negotiations.

Between INB rounds and during INB6, facilitated informal sessions have taken place. The European Union considers that these informal sessions have been very useful and that they should be continued.

- The INB Bureau delivered the “proposal for a negotiating text” on 16 October 2023<sup>h</sup>. Although the text is an improvement compared to previous texts, it still contains many of the challenges of the previous versions. The European Union is concerned about a general lack of specificity and clarity in the text, which would not allow for effective implementation of binding obligations. Several provisions, such as those related to prevention and preparedness, are still insufficient to address the gaps that COVID 19 exposed. This undermines our collective capacity to prevent future pandemics from happening, which is also an important aspect of ensuring equity. There is also room for improvement in the references to human rights. Many important issues are also left for future consideration.
- Parts of the text remain problematic, in particular those related to Intellectual Property Rights (IPR) and technology transfer on the one hand and financing on the other. In keeping with its constructive approach, the Union is, however, ready to continue to engage in a constructive/positive manner in the discussion on the basis of this text. This will entail making concrete and constructive proposals for amendments and additions aiming to address the key concerns identified and improve the text.
- It is positive that during INB 7 sub-groups were established on some key topics. These groups will also meet between the sessions. It is to be hoped that these meetings will allow for constructive discussions between Member States, including informal ones, where useful proposals and suggestions to move the process forward can also be presented.
- As part of this, the EU will continue to work with all partners towards enabling cross-regional alliances that can contribute to an increased focus on common and shared objectives.

The INB Bureau negotiating text served as the basis for negotiations during INB7, which took place from 4 to 10 November 2023, and which will be continued from 4 to 6 December 2023.

## **Amendments to the International Health Regulations (2005)**

With regard to the amendments to the International Health Regulations (2005), the fourth Working Group on IHR (WGIHR) took place from 24 to 28 July 2023. The fifth WGIHR unfolded from 2 to 6 October 2023. There will be an additional round on the 7 and 8 of December 2023. The mandate of the WGIHR Bureau will be extended to get it aligned with the mandate of the INB's Bureau and that it can continue to work until the 77<sup>th</sup> World Health Assembly. During the negotiations it has been possible to identify broad areas of convergence. The Bureau has presented text proposals, for instance on article 4. There will be further negotiating WGIHR rounds in 2024.

## **Special Committee meetings under the Spanish Presidency**

So far, the Spanish Presidency has hosted three meetings of the Working Party on Public Health in its capacity as Special Committee within the meaning of Article 218(4) TFEU.

The meetings were held on 10 July, 20 September and 27 October 2023. On 20 September 2023 the Special Committee took place in person in Brussels.

All the meetings focused on strategic discussion on the EU's goals and priorities and on the role of the EU in the negotiations. The need to stay united and to cooperate in order to do the outreach and explain the EU's position was emphasized repeatedly.

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