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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)
- Information from the Presidency and the Commission

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 13 June 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 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 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

At the fifth 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, held from 3 to 6 April 2023, the INB concluded the “first reading” of the Zero Draft, which was commenced at the fourth INB meeting, in the form of line-by-line textual drafting. The EU and its Member States, like several other delegations, presented textual proposals with substantive provisions for the agreement which received during the discussions significant support from several WHO Member States. The INB also agreed that an intermediate step was necessary before moving forward with the preparation of the First Draft, to ensure a proper discussion on all text proposals introduced by WHO Member States. To this end, the Bureau published a *Bureau's text of the WHO CA+* on 22 May which takes the submitted proposals into account and will form together with the originally submitted textual proposals the basis for discussions at the INB drafting group meeting in June.

However, the submitted EU proposals are only partially reflected in the Bureau’s text and further efforts should be made towards greater uptake of amendments put forward by the EU. The fifth meeting of the INB will resume on the last day of the June Drafting Group meeting. The sixth INB meeting is to be held from 17 to 21 July 2023.

Amendments to the International Health Regulations (2005)

The third meeting of the Working Group on Amendments to the International Health Regulations IHR (2005) (WGIHR) was held from 17 to 20 April 2023, with discussions on proposed amendments related to topics including: compliance and implementation; public health response and core capabilities; and collaboration and coordination. While discussions advanced at a relative slow pace, an overall and constructive atmosphere prevailed throughout the meeting, as well as a clear will from WHO Member States to engage in further discussions and consultations to move the process forward. It was agreed that, during the intersessional period, the Bureau, with the support of the secretariat, will facilitate informal consultations to consolidate and align a number of amendment proposals. The Bureau presented a proposal for the grouping of the proposed amendments into relevant clusters for the fourth and fifth WGIHR meetings, which there was general support for. The fourth meeting of the WGIHR will be held from 24 to 28 July 2023.

Special Committee meetings under the Swedish Presidency

The Swedish Presidency 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 17 February, 17 March and 5 June 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 fourth and fifth INB meeting. Many Member States emphasised that the EU needs to be more visible and focus on outreach to gain support for its text proposals 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 States' experts support the work of the EU Negotiating Team on specific topics. At the last Special Committee meeting the EU Negotiating Team provided clarifications on the links between the processes of the INB and the Working Group on IHR as well as information about the preparations for the meeting of the INB drafting group in June 2023 and reported on the outreach activities carried out so far.