DECISIONS

COUNCIL DECISION (EU) 2021/1101

of 20 May 2021

on the position to be taken on behalf of the European Union in the seventy-fourth session of the World Health Assembly

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 168(5), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 21(1), second subparagraph, of the Treaty on European Union states that the Union is to seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in Article 21(1), first subparagraph. That second subparagraph also provides that the Union is to promote multilateral solutions to common problems, in particular in the framework of the United Nations.

(2) Pursuant to Article 168(3) of the Treaty on the Functioning of the European Union (TFEU), the Union and the Member States are to foster cooperation with third countries and the competent international organisations in the sphere of public health.

(3) The Constitution of the World Health Organization ('the Agreement') entered into force on 7 April 1948.

(4) Pursuant to Article 60 of the Agreement, the World Health Assembly may adopt decisions by a majority of the World Health Organization (WHO) Members present and voting.

(5) The World Health Assembly, during its seventy-fourth session starting on 24 May 2021, is to adopt a decision on the establishment of an Intergovernmental Meeting to draft and negotiate a WHO Framework Convention on Pandemic Preparedness and Response.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the World Health Assembly, as the decision of the World Health Assembly will determine the ability of the Union, alongside its Member States, to participate in the drafting and negotiation of a WHO Framework Convention on Pandemic Preparedness and Response and to potentially become a party to it as a Regional Economic Integration Organisation.

(7) The Union's participation in the drafting and negotiation of a WHO Framework Convention on Pandemic Preparedness and Response and its possible accession to the Convention in addition to the Member States of the Union will contribute to increasing international cooperation in response to pandemics within the United Nations system.

(8) In accordance with Article 168(7) TFEU, the responsibilities of the Member States, for the definition of their health policy and for the organisation and delivery of health services and medical care, should be respected throughout the negotiating process.

(9) The Union's position is to be expressed by the Member States of the Union that are members of the World Health Assembly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the seventy-fourth session of the World Health Assembly shall be the following:

The European Union supports the establishment of a World Health Organization process for a new Framework Convention on Pandemic Preparedness and Response and must, within Union competence, be allowed to participate as contracting party to such a treaty.

The decision of the World Health Assembly setting out the procedural aspects of the negotiations must allow for the participation of the Union in the negotiating process addressing matters falling within Union competence, in view of the Union's possible accession to the Convention as a Regional Economic Integration Organisation.

Such participation should be achieved through the inclusion of specific references in the body of the text of the decision clarifying that any intergovernmental body set up to draft and negotiate the Convention shall be open to the participation of Regional Economic Integration Organisations.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the World Health Organization, acting jointly on behalf of the Union.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 May 2021.

For the Council
The President
A. SANTOS SILVA