



## Joint procurement of medical countermeasures

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HIV/AIDS Civil Society Forum

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Health and Consumers



## Joint procurement of medical countermeasures

Once upon a time ...

under Belgian Presidency ...

- The EPSCO Council of 7 December 2010 formally asked the Commission to launch the preparation of a joint procurement of vaccines in the frame of a future pandemic.

and under Hungarian Presidency ...

- The European Parliament in its resolution of 8 March 2011 stressed the need to introduce a common procedure for the joint procurement of medical countermeasures, and in particular of pandemic vaccines.

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## Joint procurement of medical countermeasures

### The legal base

Decision 1082/2013/EU from 22 October 2013 on serious cross-border threats to health was published on 5 November 2013

and entered into force on 6 November.

It is based on Article 168 paragraph 5 TFEU.

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## Joint procurement of medical countermeasures

### The legal base

Article 5 of Decision 1082/2013/EU from 22 October 2013 clearly states that "the institutions of the Union and any Member States

*which so desire*

may engage in a joint procurement procedure conducted pursuant to the third subparagraph of Article 104(1) of the Financial Regulation and pursuant to Article 133 of the Rules of Application,

*with a view to the advance purchase of medical countermeasures for serious cross border threats to health.*

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## Joint procurement of medical countermeasures

### The Joint Procurement Agreement

Paragraph 3 of Article 5 of Decision 1082/2013/EU from 22 October 2013 clearly states that :

the joint procurement procedure shall be *preceded by a Joint Procurement Agreement between the Parties* determining the practical arrangements governing that procedure, and the decision-making process with regard to the choice of the procedure, the assessment of the tenders and the award of the contract.

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## Joint procurement of medical countermeasures

### The Joint Procurement Agreement

The joint procurement agreement is *NOT a legislative act of the EU*

Union law considers the joint procurement agreement as:

- a provision to implement a legislative act (Article 5 of Decision 1082/2013/EU)
- a budget implementation measure.

It is governed by Union Law and

*it is NOT an International Treaty*

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## Joint procurement of medical countermeasures The Joint Procurement Agreement

The text of the joint procurement agreement has been approved by the Legal Service of the Commission.

It has been discussed with Member States

A final version of the text in English has been sent today to Member States for final review



## Joint procurement of medical countermeasures The Joint Procurement Agreement

The joint procurement agreement will be sent officially  
for signature and ratification

by those Member States who would like to participate  
at the beginning of 2014,

once the existing translation will have been amended to take last modifications into account.



## Joint procurement of medical countermeasures

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1 Member State will not participate in the Joint Procurement Agreement

27 countries will participate in the Joint Procurement Agreement

- 3 of them will not procure pandemic vaccines
- 1 still needs to provide their needs analysis
- 23 have already submitted their needs analysis



## Joint procurement of medical countermeasures Next steps ? !



The joint Procurement Agreement shall enter into force when

"one third of all Contracting Parties will have submitted to the Commission the Confirmation of completion of national procedures"

Depending on the national approval/ ratification processes ...



## Joint procurement of medical countermeasures Next steps ? !



It is not absolutely necessary that all Member States join at the same time ...  
and it will most probably be "impossible"!

Article 48 "Other countries joining the Agreement" foresees future adhesion to the mechanism

Depending on the national approval/ ratification processes ...



## Joint procurement of medical countermeasures When are we going to get there ? !



This very much depends on ...

the national approval/ ratification processes ...





## Joint procurement of medical countermeasures When are we going to get there ? !

*The first joint procurement will be to procure pandemic vaccines*

*Have you ever tried to purchase something that does not exist ? ... .. and the pandemic vaccine does not exist yet !*

*But Commission was requested to ... and committed to do that first ...*



## Joint procurement of medical countermeasures

**Thank you for your attention**

