



EUROPEAN COMMISSION

Brussels, 17.9.2012  
C(2012) 6266 final

*Dear President,*

*The European Commission would like to thank the National Assembly for its Opinion on the proposal for a decision of the European Parliament and of the Council on serious cross-border threats to health {COM(2011) 866 final}.*

*The Commission welcomes the Assembly's support to the proposal and the statement of the Committee on European Affairs and Oversight of the European Funds positively assessing the respect of the principles of subsidiarity and proportionality in this proposal.*

*As regards the questions and concerns raised by the Assembly on the proposed voluntary joint procurement of medical countermeasures, the Commission would like to clarify the following points:*

*A 'Joint Procurement Agreement' to be signed by interested Member States, will set out the organisational and procedural arrangements governing the voluntary joint procurement procedure. This will include the designation and the rules of procedure of structures involved in the award of the contract, and in monitoring and control of the procedure. Decisions will be taken by a Committee composed of members nominated by each participating Member State that will be known as the Joint Procurement Steering Committee. The Commission's role is limited to coordinating the preparation of the joint procurement agreement and the specifications for the call for tenders.*

*Technical discussions are currently taking place within the Health Security Committee to define the joint procurement agreement. Member States wishing to participate in the joint procurement scheme may enter into an advance purchase agreement through the award and signature of framework contract(s) with one or more supplier(s). This would not imply any automatic financial implications given that there is no obligation to make use of a framework contract.*

*When the need arises, a Member State having signed a framework contract can – but is not in any manner obliged to – issue a specific contract to order pandemic influenza vaccines based on the guarantees and terms agreed in the framework contract. Issuing such a specific contract to order vaccines would then imply a financial commitment.*

*Mrs. Tsetska TSATCHEVA  
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*The financial impact of using the joint procurement procedure will depend on the quantities of treatments that a Member State would purchase on the basis of the preparedness plan it would have adopted.*

*I hope that these clarifications address the concerns raised by the National Assembly.*

*I look forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*