

### **Opening statement from the EU and its Member States for INB 3**

1. I have the honour to speak on behalf of the European Union and its Member States.
2. To begin with, we would like to draw the attention to the health situation in Ukraine. Since Russia started its unjustified and illegal war of aggression over nine months ago, WHO has recorded more than 700 attacks on the health infrastructure in Ukraine. Hundreds of hospitals and health facilities are no longer fully functional. We call on Russia to put an end to this war, which is a flagrant violation of international law and the UN Charter, and to end the tragic suffering and loss of life.
3. On the INB, first of all we would like to thank the Co-chairs, Bureau and Secretariat for all their work in preparing the Conceptual Zero Draft. It is a very useful compilation of all the ideas presented so far in the process. We see good progress towards the development of a workable document in the introductory part, up to and including Chapter II, as well as Chapter VII and VIII.
4. However, we see the need to significantly rework the subject matter covered in Chapters III to V, which are intended to set out the substantive provisions of the Pandemic Agreement, into a clear and logical structure.
5. As the time before us is quite short, we believe it is our collective responsibility *now* to design a way forward that is workable and that can make a difference on the ground.
6. We are quite comforted by the pragmatic approach that allowed us to reach a good result at INB 2 on the legal form issue. Similarly, we now need to apply the same pragmatism in designing the contours of an implementable, effective and impactful Pandemic Agreement that can be finalised by May 2024.
7. The EU approaches our common endeavour in a pragmatic and realistic manner that, we trust, can ultimately lead to concrete improvements in pandemic prevention, preparedness and response on the ground. And in a manner that is genuinely in the interest and for the benefit of all.
8. This is why we believe that the Pandemic Agreement should aim at laying down substantive provisions and commitments especially in the key PPR areas, while also charting the course for future negotiations, including by means of supplementary protocols. In this effort, legally binding provisions may be complemented by non-binding provisions (such as guidelines, standards and declarations).
9. This vision of the instrument would require that we collectively focus on a limited number of key building blocks where internationally-agreed rules can have a strong impact if effectively implemented, in synergy with IHR and future amendments to them. This approach to the Pandemic Agreement would also require the INB to address the need for effective and lean institutional provisions that can promote and facilitate enhanced cooperative efforts, including for any future rule-making. This will allow us to also effectively address the many important areas where it will not be possible to finalise all relevant rule-making in the limited time we have, as well as new issues that inevitably will come up in the future. It is also very important not to duplicate efforts and to be mindful of the mandates of all relevant International Organisations. Relevant rules on data protection will have to be taken into account. Furthermore, we believe a

pragmatic approach to the Pandemic Agreement requires that we work out a mechanism and incentives that will contribute to a rapid entry into force of the agreement.

10. The Conceptual Zero Draft contains a great deal of ‘material’ by way of conceptual elements raised by Member States and stakeholders in the process so far. This ‘material’ is however currently set out in a way that does not align with the structure of provisions in an international agreement, and it may not be easily transformed in legal provisions. We now have to move towards building a workable structure of a Pandemic Agreement that covers the areas of prevention, preparedness and response in a clear and recognisable way, as well as implementation support and institutional set up. To achieve this we need to entrust the Bureau to exercise its wisdom and to develop a zero draft, with the technical support of the Secretariat, encompassing the key areas where substantive provisions can be agreed in the next 16 months and draft the corresponding, initial set of legal provisions.
11. We think the Bureau has carefully heard the breadth of the proposals made and it can now help us identify the areas where there is an emerging consensus across the membership and as a first step provide draft legal text in these areas. The area of equitable access to medical and non-medical countermeasures is one such area. But we believe there are other similar areas, as in the end we all share the same objective of genuinely improving PPPR for all.
12. We suggest that the Bureau selects the areas and specific elements within each area, that are best suited for international rule-making and where the largest positive impact on PPR can be expected in the short term and therefore should be addressed by the instrument already from the outset, and not be left to future rule-making.
13. In order for the process to be manageable, we need to be ambitious but realistic and we believe we should aim at focusing on a limited number of priority areas as substantive building blocks for the agreement. From our perspective we think that the Pandemic Agreement, in order to have a real, tangible impact on PPR, needs to encompass provisions addressing in a clear and recognisable way, key areas such as: a) equitable access to medical and non-medical countermeasures, b) enhancing global early warning and detection capacities of public health threats with pandemic potential, as well as collaborative surveillance c) rapid sharing of relevant information, data and samples, d) preventing and controlling zoonotic spill overs and addressing antimicrobial resistance, e) enhancing preparedness and response tools, f) scientific and research cooperation. These are also all areas where we believe there is broad support from members for inclusion in the agreement.
14. Crafting the most effective legal provisions under each of these headings will ultimately be our collective task, supported by the wise leadership and input of the Bureau. We think however that the Bureau should facilitate this process by providing us as early as possible in the New Year with a first draft of the Pandemic Agreement, containing draft legal provisions, which could be included in the instrument following a clear and logical structure.
15. In this effort we also believe we need to pay specific attention to a number of cross-cutting priorities that need not only be stated as general principles, but more importantly inform the entire agreement, such as human rights and gender equality, equity, international solidarity and cooperation, the One Health perspective, multi-sectoral cooperation, and making best use of digital tools. The need for complementarity with

the parallel work on amending the IHR will also need to be kept in mind to ensure that we make best use of the potential for PPR improvement that each of the two negotiating streams offers.

16. With respect to Chapter VI on finance, we agree that it is a very important issue. We would like to note however that finance is a tool to ensure effective implementation of the substantive provisions of the agreement. We think that the issue needs to be addressed in that perspective and we reiterate our call to have a dedicated chapter in the instrument devoted to implementation support, covering not only financing issues, but also technical assistance, knowledge exchange and capacity building. In our view, priority should be given to establishing a link with existing financial instruments, such as the Pandemic Fund. In any event, the appropriate provisions on implementation assistance will need to be tailored and commensurate to the substantive provisions whose implementation they are meant to support.
17. In conclusion, as an important outcome of INB 3 we trust we will be able to clarify that the Bureau in its facilitator role will prepare, with the help of the Secretariat, a draft containing well designed draft legal provisions that can be used as the basis for textual negotiations to start at INB 4. We trust that this would give a very good start to the process and put us on a constructive path towards a successful outcome within the given time-frame.
18. While we would have many specific comments throughout the text, and we will offer some if useful, we believe that the time is not yet ripe for a line-by-line negotiation and what is crucial at this stage is to try and reach a shared understanding of the structure, coverage and parameters of our work in the next 16 months, and how the Bureau with the support of the Secretariat can help us move the process forward to the successful conclusion we all seek.