

The European Council, health policy and pandemics

The European Council (of EU Heads of State or Government) has been active in its response to the coronavirus crisis. So far it has held three video-conference calls of national leaders on the subject, with a view to seeking to develop a coordinated response both among the Member States and collectively at EU level. This note sketches the context, describes some of the instruments available to the Union, and compares responses to the outbreaks of Ebola in the past and COVID-19 today.

EU competence on health policy

The European Union (EU) has limited competence in the area of [health](#), as set out in Article 168 of the Treaty on the Functioning of the European Union (TFEU). Article 168 states, inter alia, that a high level of human health protection is to be ensured in the definition and implementation of all EU-level policies and activities. The Article further provides that action at EU level is to complement national policies, including through monitoring, early warning of and combatting serious cross-border threats to health. Member States are, in liaison with the European Commission, to coordinate their policies and programmes in the areas covered by EU-level action within the domain of public health. The main responsibility lies with the Member States when it comes to defining their health policy; organising, managing and delivering health services and medical care; and allocating the resources assigned to them. In addition, following several rulings of the Court of Justice of the European Union, the EU can pursue public health objectives through the integration of the internal market, having Article 114 (TFEU) as its legal basis.

Tackling cross-border threats to health

The EU relies on a number of EU agencies and mechanisms to launch and coordinate an EU wide response. [Decision 1082/2013/EU](#) of the Parliament and Council provides the framework for dealing with serious cross-border threats to health in the EU. Following the adoption of that decision, the **European Centre for Disease Prevention and Control (ECDC)** put in place an **Early Warning and Response System (EWRS)** and a **Health Security Committee (HSC)**, the latter composed of Member States' representatives. An alert through the EWRS leads to the preparation of a risk assessment by ECDC or other competent agencies, depending on the nature of the threat. Member States then consult each other within the HSC and with the Commission, in order to coordinate their responses.

Moreover, [Council Implementing Decision 2018/1993](#) established the **EU Integrated Political Crisis Response (IPCR) Arrangements**. The [ICPR mechanism](#) supports the Council presidency, Coreper and the Council, by providing tools and creating a platform for sharing information and coordinating crisis responses at political level. These include: 1) roundtable discussions with key players, including the Commission, the European External Action Service, the office of the European Council President, EU agencies, affected Member States and experts; 2) analytical reports; 3) a web platform; and 4) a 24/7 contact point ensuring contact among the key players. [Article 13](#) of Decision 2018/1993 provides for a specific role for the European Council: notably, staff of the President of the European Council can be invited to participate fully in the IPCR from the moment of its activation and on preparedness activities.

[Decision 1313/2013/EU](#) of the Parliament and Council established the **Union Civil Protection Mechanism (UCPM)**, which enhances cooperation between Member States/participating states, with a view to improving prevention, preparedness and response to disasters. The UCPM was [strengthened](#) in 2019.

Health policy discussions in the European Council

Whilst health policy issues are not generally addressed at European Council meetings, Heads of State or Government did meet in 2014 to coordinate the EU response to the Ebola virus outbreak in west Africa, and are currently doing so to steer management of the novel coronavirus (COVID-19) outbreak. On both occasions, the Heads of State or Government intervened following the designation of the virus outbreak as a [Public Health Emergency of International Concern](#) by the World Health Organization. While the Ebola

outbreak was limited to the African continent, the WHO stated on 11 March that the COVID-19 outbreak is a [pandemic](#). The approach of the European Council to these two health crises has consequently been different. The Ebola crisis affected a number of countries in Africa, in particular Liberia, Sierra Leone, Guinea; whilst it was the worst outbreak since the discovery of the Ebola virus (1976), very few cases were detected in the EU, in just two countries, Spain and the UK. The COVID-19 outbreak, on the contrary, currently covers [more than 150 countries](#) with an increasing number of infections in all EU Member States.

The European Council met on two occasions to discuss the Ebola outbreak, on 30 August 2014, in a [special meeting](#) to discuss a range of issues, such as the conflict in Ukraine and high-level appointments; and in a [regular meeting](#) on 23-24 October 2014. Regarding the overall coordination of that crisis, the European Council invited the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to develop a package of measures addressing the wider political, security and economic implications of the Ebola crisis in west Africa. The European Council furthermore appointed an EU Ebola Response Coordinator to bring together the Member States, the EU institutions and all international partners concerned. The objective was to boost the countries' capacity to address the crisis, which included deployment of medical staff, equipment and medical evacuation of health workers through the Union Civil Protection Mechanism. The EU and its Member States provided [more than €1 billion](#) to fight the epidemic. The development of a vaccine was also launched at the time, and it was supported by two projects from the [Innovative Medicines Initiative](#) funded by the EU's research and innovation programme, Horizon 2020. On 11 November 2019, the Commission [granted the first-ever marketing authorisation](#) to the company Merck Sharp & Dohme B.V. for a vaccine against Ebola.

Regarding the current COVID-19 outbreak, following the detection of the [first cases of infection](#) in the EU on 24 January 2020, the Croatian Council Presidency [activated](#) the IPCR in information-sharing mode four days later, and escalated it to full mode on 2 March. Three video-conference calls have taken place to date – on [10 March](#), [17 March](#) and [26 March](#), with the 27 Heads of State or Government, the High Representative, and the presidents of the European Commission, the European Central Bank and the Eurogroup. EU leaders identified five priorities: 1) limiting the spread of the virus; 2) ensuring the provision of medical equipment; 3) promoting research, including the development of a vaccine; 4) tackling the socio-economic consequences; and 5) coordinating the orderly repatriation of EU citizens stranded in third countries.

On 13 March, the Commission set out [a coordinated EU-level response](#), envisaging: a more flexible application of [EU State aid rules](#) to help businesses facing [economic difficulties](#); the use of [specific clauses](#) in the Stability and Growth Pact to allow for exceptional expenditure; the redirection of €1 billion from the EU budget as guarantee for the European Investment Fund to incentivise banks to provide businesses with liquidity; and action to alleviate the impact on employment by accelerating the procedure on the proposal for a European unemployment reinsurance scheme. The Commission is to release €37 billion in liquidity under a [Coronavirus Response Investment Initiative](#), with [two urgent legislative proposals](#) approved by the European Parliament on 26 March.

Following the [introduction of border controls](#) by some Member States, EU leaders agreed on the need to 'ensure the passage of medicines, food and goods' and to enable citizens to travel to their home countries. Moreover, to limit the spread of the virus, they also approved a temporary 30-day ban on non-essential travel to the EU, as [announced](#) by the Commission on 16 March 2020. With over [100 000 EU citizens stranded](#) in third countries, the High Representative has announced that the EEAS would help Member States to coordinate consular assistance for their repatriation.

The [supply of protective equipment](#) is also being ensured by means of placing a requirement that exports of such equipment outside the EU are subject to prior authorisation. Furthermore, the [development of a vaccine](#) is currently under way, with up to [€80 million of financial support](#) being granted to CureVac, an innovative vaccine developer. EU Heads of State or Government have also supported the Commission's efforts to engage with industry, run joint public procurement to provide sufficient protective equipment, and purchase protective equipment through the [civil protection framework](#). The Commission has been asked to speed up the procedures in that respect and to increase, as needed, the initial budget for the strategic [rescueEU stockpile](#) of medical equipment. EU leaders have called on Member States to increase testing as a matter of urgency. The European Council has called for a 'coordinated exit strategy, a comprehensive recovery plan and unprecedented investment' to fight the pandemic.

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