

**Priority question for written answer P-003959/2021  
to the Commission**

Rule 138

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**Subject:** Controversial provisions in the post-Cotonou Partnership Agreement

The European Union has been negotiating an agreement with the Organisation of African, Caribbean and Pacific States (OACPS) aiming at the renewal of the Cotonou Agreement. Part of this agreement focuses on health, and more particularly Article 29(5) states that Parties 'shall support universal access to sexual and reproductive health commodities and healthcare services.'

However, in recent answers to parliamentary questions, the Commission has made clear that 'in the area of public health, the Union respects Member States' responsibility for defining health policies and the organisation and delivery of health services and medical care' (E-005297/2020, E-005939/2020, E-006029/2020, P-006345/2020).

More specifically, Commissioner Dalli confirmed that 'legislative powers on sexual and reproductive health and rights, including abortion, lie with the Member States, that are also responsible for the definition of health policy' (E-005924/2020).

Therefore, given that the European Union has no competence of over such subjects, and the autonomy of Member States to define their own health policy, how does the Commission justify the European Union's competence to negotiate on such issues in the OACP agreement?