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Answer given by Ms Lahbib
on behalf of the European Commission
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Various forms of centralised procurement of medical countermeasures create the possibility for participating Member States to benefit from collective bargaining power, and – in cases of limited supply – to avoid competition between Member States. This ensures equitable access to medical supplies and promotes cost efficiency. Should the participating Member States agree to the exclusivity of a centralised procurement, as was the case for COVID-19 (advanced) purchase agreements, this further strengthens their negotiation position.

During preparedness mode, joint procurement of medical countermeasures is conducted by the Commission to enhance preparedness and response against serious cross-border health threats based on Regulation (EU) 2022/2371¹. This collaborative approach helps to reinforce the individual capabilities of each country while strengthening the overall resilience of the EU's public health response mechanisms.

Participation in joint procurement and other forms of centralised procurement is voluntary for the participating countries, thus fully preserving the competence of the Member States to organise their national health services and medical care, as prescribed by Article 168(7) Treaty on the Functioning of the European Union (TFEU). Possible restrictions to parallel procurement and negotiation activities by the participating countries for the medical countermeasure in question are only possible if the Parties to the Joint Procurement Agreement agree to such restrictions.

The division of competences between the Commission and the Member States is based on TFEU and remains unchanged. A recent Commission Communication² provides an overview of the actions undertaken in the area of health policy.

¹ Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health <https://eur-lex.europa.eu/eli/reg/2022/2371/oj/eng>

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Health Union: acting together for people's health - https://commission.europa.eu/document/download/98c6e4dc-0fc3-4ec6-8ec2-bfcdcb2f018a_en?filename=policy_com-2024-206_en.pdf