



Legal and Political Context for EU action on HIV/AIDS, hepatitis and tuberculosis

**European Commission
EU HIV/AIDS Civil Society Forum
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This presentation

- *Presents the overall legal and institutional framework that governs EU-level activities in health, including HIV/AIDS, hepatitis and tuberculosis*
- *Covers:*
 - **The legal basis (Treaty)**
 - **The HIV/AIDS context and overall remaining challenges**
 - **The instruments available at EU level**

The Legal Framework – Art 168 TFEU

(1)...Union action, which shall **complement national policies**, shall be directed towards improving public health, preventing physical and mental illness and diseases, and obviating sources of danger to physical and mental health. Such action shall cover the fight against the major health scourges, by **promoting research into their causes, their transmission and their prevention**, as well as **health information and education, and monitoring, early warning of and combating serious cross-border threats to health**.

...

(7) Union action shall **respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care**. The responsibilities of the Member States shall include the management of health services and medical care **and the allocation of the resources assigned to them**. The measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.

Acts at EU level

Binding acts (with legal force):

- **Regulation** - general application, binding in its entirety and directly applicable in all Member States
- **Directive** – binding as regards the result to be achieved, but national authorities can choose the form and methods
- **Decision** - binding in its entirety; can specify only some addressees or particular purpose

Autonomous acts (not binding):

- **Recommendations**
- **Council Conclusions** - contain a political position on a specific topic, e.g. to invite a MS or an EU institution to take action on a specific issue
- **EU Parliament Resolutions** - suggesting a political desire to act in a given area
- **Commission Communication (adopted by the College)** - set out the Commission's position on an issue, examining possible approaches to solve it
- **Commission Staff Working Document** - informative supporting documents, clarifying the proposal they accompany

Decision 1082/2013 on serious cross-border health threats

Lays down rules on:

- **Epidemiological surveillance and monitoring**
- **Early warning of serious cross-border health threats and risk assessments**
- **Preparedness and response planning**
- **Coordination of response, including crisis communication**

The Decision also establishes:

- **The Health Security Committee – main body for coordination amongst Member States**
- **The possibility for Joint Procurement**

Current EU HIV/AIDS policy and context

EU HIV/AIDS policy framework:

- [Commission communication on combating HIV/AIDS in the EU and neighbouring countries 2009](#)
- [Action plan 2009-2013](#)
- [Action Plan 2014-2016](#)
- [ECDC Framework Action Plan to fight Tuberculosis 2008](#)

International initiatives:

- [UNAIDS Strategy 2016-2021](#)
- [WHO EURO Tuberculosis Action Plan 2016-2020](#)
- **WHO Global Health Sector Strategies on HIV/AIDS, hepatitis and STIs (to be adopted in May, with regional action plans in development)**

Remaining challenges

Prevention: need for scaling up investment, hard-to-reach populations, priority vulnerable groups and regions

Testing: enhanced testing and early diagnosis, efficiency gains in an integrated approach (e.g. HIV and hepatitis)

Access to treatment: linkage to care, opportunities for joint procurement

Fighting stigma and discrimination

Surveillance: strengthening reporting, e.g. on hepatitis

Links to other policies: AMR, health system performance assessment, country-specific knowledge, etc.

Prevention – main pillar of EU action

- *Prevention identified as main area of action in the current EU HIV/AIDS policy framework*
- *Over EUR 6.85 million spent on prevention through different projects under the Health Programme 2009-2013, with more earmarked under the Health Programme 2014-2016*
- *Still major gaps exist, in particular for key vulnerable groups.*

Governments reporting major gaps in prevention programmes for populations most at risk of HIV, 2014

	EU/EEA countries	Percentage
Men who have sex with men	20/30	67%
Prisoners	20/28	67%
People who inject drugs	13/23	46%
Migrants in general	9/25	36%
Undocumented migrants	11/22	50%



Where can the EU help (add value)?

Mobilising EU-level instruments such as:

- **Complementing Member States policies by funding direct activities under the Health Programme (e.g. joint actions) on prevention, testing and linkage to care and as far as possible disease management.**
- **building strong country knowledge in support of targeted help for countries or vulnerable groups, with the possibility to link this to health systems performance assessments (HSPA), also exploring the role of health technology assessment (HTA)**
- **utilising EU-level technical expertise from EU agencies for scientific advice, common guidelines and coordination on technical level, including for direct country support and capacity building: ECDC, EMCDDA, EMA**

Where can the EU help (add value)?

Continued:

- **providing a platform – under the EU HIV Think Tank and Civil Society Forum – for exchange of best practice and forum for discussion, including with civil society**
- **ensuring EU-level surveillance and regular monitoring and reporting to ECDC, as stipulated by Decision 1082/2013**
- **Supporting Member States in opportunities for utilising the Joint Procurement Agreement tool to procure medicines or vaccines for the three diseases**
- **mobilising existing mechanisms such as the Health Security Committee to endorse further specific actions**
- **helping to ensure that the cross-border aspect of infectious disease is considered when planning national strategies**

Where can the EU help (add value)?

Other Commission services also have a role in:

- **continuing the longer-term research activities under Horizon 2020, including actions on developing next generation vaccines, medicines and treatments (DG RTD)**
- **managing the EC contribution to the Global Fund to fight HIV/AIDS, tuberculosis and malaria; also supporting third countries through the Development Cooperation Instrument (DG DEVCO)**
- **supporting enlargement and Eastern Neighbourhood countries to reinforce efforts to tackle the three epidemics, esp. in the WHO European region (DG NEAR)**
- **ensuring coherence with the EU Drugs Strategy and its Action Plan, in particular in areas such as harm reduction, prevention and drug treatment (DG HOME)**



**Thank you for your
attention!**