

*78th Session of the World Health Assembly*

*Agend altem 16.2 Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response*

*Dear Chair,*

*Slovakia considers the draft Pandemic Agreement legally incomplete.*

*The article 12 itself refers to the annex, with explicit acknowledgement that this annex constitutes an integral part of the agreement – yet the annex has not been drafted. Without the annex, essential mechanisms, such as Pathogen Access and Benefit-Sharing System remain legally unclear and non-functional, creating uncertainty for both member states and private actors.*

*At the same time we emphasize, that the draft text does not sufficiently take into account several key proposals submitted by the Slovak Republic, with the aim to protect fundamental human rights and national sovereignty. These proposals were motivated by our experiences during the Covid-19 pandemic, when some of the adopted measures infringed the basic rights and freedoms of citizens. The competent authorities at both national and international levels bear shared responsibility for these infringements. The Slovak Republic therefore proposed specific provisions designed to prevent the recurrence of such violations. When formulating these proposals, we relied on key human rights instruments such as the European Convention on Human Rights, the Convention on Human Rights and Biomedicine, and Resolution 2361 (2021) of the Parliamentary Assembly of the Council of Europe on ethical, legal and practical considerations in regard to the COVID-19 vaccines. Unfortunately, these proposals were not adequately reflected in the draft agreement.*

*The agreement also creates overlapping obligations alongside the revised International Health Regulations (IHR 2024), without clear indication, which obligations take precedence and on what legal basis shall member states act – whether on the basis of WHO membership, the IHR, or the Pandemic Agreement. The increasing number of committees, financial mechanisms, and global surveillance systems only further deepen this lack of clarity.*

*Special attention must be given to the position of the Member States of the European Union. The Pandemic Agreement allows regional economic integration organizations – including EU – to become parties to the agreement. EU is however not a WHO Member State and does not possess full sovereignty in the field of health policy. This precedent raises serious constitutional and democratic concerns, including uncertainties on how the EU law – particularly in the areas of competition and public procurement – aligns with the provisions of the agreement.*

*I thank you*