

Position Paper: Czech Republic and Hungary

This paper will outline the position of the countries of Hungary and the Czech Republic, hereinafter referred to as *We*, and the possibilities of future cooperation and future involvement of the European Union hereinafter called *the Union*. The Union has worked together with states to tackle the ongoing COVID-19 pandemic. As of this writing there have been an estimated 38,896,000 infections and 1,026,000 reported deaths caused by the novel coronavirus in Europe so far ¹. The Union has set forth an attempt to tackle the pandemic as a unit. However, especially looking at the numbers throughout the countries of the Czech Republic (est. 1.5 Million infections and 25,778 deaths) and Hungary (625,000 infections and 19,752 deaths), we are in unison with our esteemed colleague, Judit Varga (Justice Minister of Hungary), that, we too believe, that the current strategy pursued by the Union is indeed not the most effective in dealing with the current needs of the Union. As stated by Mrs. Varga, the procurement effort is more favorable to stronger sovereign nation-states². We want to highlight our agreement by pointing to the current Joint Procurement Agreement (DECISION No 1082/2013/EU) and the Annex of 18.06.2021, which gives consent to the Union to negotiate the procurement of COVID 19 vaccine on behalf of the entirety of the Union. Within this Annex, the Union has the sole power to negotiate pricing and delivery of potential vaccines. Furthermore, all member countries are disallowed from further negotiation on their own behalf. According to this Agreement, we and the other representatives agreed to forgo any potential negotiation on our country's behalf, putting all our faith in the Union. From the agreed upon procurement process, the Union has decided to obtain and has approved the distribution of a total of 1.86 billion doses of vaccines. As of March 22, the Union has access to 88 million doses, of which 62 million have been administered³. To guarantee a return to normality, the European Centre for Disease Prevention and Control, from now on referred to as ECDC, 70 percent of EU adults need to be vaccinated to reduce the risk of further COVID spread. Based on current availability, combined with the shortcomings due to the failed contract negotiations with AstraZeneca and other general flaws regarding procurement of the vaccine, the EU's strategy is far behind others, such as the US and Israel.

One of the significant shortcomings of the current strategy and the proposed future dealings of the Union is the fact that the distribution of the vaccine, as stated by 1082/2013/EU and the Annex of 18.06.2021, is conditioned on the per-capita size of the countries. Considering the fact that countries such as Germany (18.58%), France (14.99%), and Italy (13.45%) make up almost 50 % of the European population, other countries with a smaller per-capita population, such as Czech Republic (2.39%) and Hungary (2.18%) will have access to much smaller amounts of the vaccine. Due to the agreements as proposed in the procurement agreement, we are unable to negotiate further deals on our behalf to secure additional vaccines. Based on the current numbers of available vaccines and the current strategy, by the end of the summer of 2021, Czech Republic will not reach the desired 70% immunity rate (as proposed by the Union) – currently, it will have amassed an immunity of 43.7% by September 22, 2021 ⁴. On the other hand, Hungary, due to their willingness to

¹ <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/regions/europe/>

² Judit Varga (Justice Minister of Hungary), 03.05.2021 http://abouthungary.hu/news-in-brief/justice-minister-eus-covid-vaccine-procurement-strategy-has-proven-ineffective/?fbclid=IwAR1Ls_zMSH_eHtdxyskTIDnuMOEV9i8tISFUlqF43MkQh7Y89TzEXzcxVeA

³ https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/public-health_en

⁴ <https://www.politico.eu/article/coronavirus-vaccination-live-data-tracker/?fbclid=IwAR070y2GDB2bY5LDG1mz311BdUqf46gMKuSaUo4PYJjaQUAYv3N7d5seTY0>

sidestep current regulations set by the Union, was able to secure enough vaccines to reach the proposed immunity of 70% by July 2021⁵⁶. While the Russian manufactured Sputnik V vaccine has yet to show any health concerns, the EMA recommends the British vaccine AstraZeneca for authorization in the EU, despite the health concerns which came up in the previous weeks. Considering the fast process of Hungary, we would like to recommend to the Union that while the Union does possess the power to negotiate on the Union's behalf, member countries should still be able to arrange separate, individual agreements (possibly to different conditions) to protect their citizens as they feel necessary. As stated by Article 168 TFEU, the Union is responsible for providing any necessary help and support to ensure and protect public health⁷.

Furthermore, as stated in Article 152 in the Amsterdam Treaty (Article 129 - EC Treaty (Maastricht consolidated version)), the Community and the Member States shall foster cooperation with third countries and competent international organizations in the sphere of public health⁸ The Treaty sets out that while the Union acts as a reference point as well as a coordinator, the overall coordination of a countries public health lies within said country. We plead to the Union that future involvement and dealings with health problems shall be discussed in unison and respect a country's duty towards its people and, therefore, its obligation to ensure its public health. We must not fear repercussion for any decisions pertaining to our own public health strategy.

Regarding the proposed set-up of the EU4Health. We might be willing to accept the proposal after adjustment in the form of amendments and annexes—some of which we will present now. We favor the proposed “EU4Health Steering Group”, which will ensure that there will be consistency and complementary between the proposed program, policies, and other actions of the Union. However, we would like to suggest an alteration to the grant distribution as presented by EU4Health. According to the proposal as propositioned by the Parliament and the Council on May 28, 2020, we are willing to negotiate the proposed allocation of grants⁹. However, as referenced with the lawsuit filed by our colleagues from Hungary regarding the conditionality of those grants based on the rule of law as proposed in the scheme. While we support EU law adherence and its application throughout all members state, the financial burden of the COVID pandemic should not be used as leverage. Countries should have the ability to keep their sovereignty and make decisions based on their own estimate without worrying about the loss of much-needed financial grants. Especially within countries such as the Czech Republic, which has endured suffering in both its economic and health sectors, it relies on the grants within the EU4Health. However, we will not give up our sovereignty and hand over the decision-making capabilities to the Union. We have a duty to our constituents and to ensure that just our people will be healthy and our economy will get the needed aid.

⁵ <https://hungarytoday.hu/coronavirus-first-russia-vaccine-sputnik-v-jabs-administered/>

⁶ https://www.france24.com/en/europe/20210212-hungary-to-start-covid-19-vaccinations-with-russia-s-sputnik-v-bypassing-eu-regulator?fbclid=IwAR2QZvYtE8JL3X4PumjcWn28e-5NMqpEygHGCWZS0i_UqJNHkPmqBEsMcWo

⁷Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union 2012/C 326/01.

⁸ Treaty establishing the European Community (Amsterdam consolidated version) - Part Three: Community policies - Title XIII: Public health - Article 152 - Article 129 - EC Treaty (Maastricht consolidated version) - Article 129 - EEC Treaty

⁹ COM(2020) 405 final 2020/0102(COD) Brussels, 28.5.2020

To summarize our position, while the financial burden of the crisis is still not yet completely evident, we do stress a fast implementation of a Union strategy that offers financial help and guidance to be better prepared for future pandemics. However, to fully support the decisions proposed by the Union, we want to stress the adherence to Article 168 TFEU and Article 152 of the Amsterdam Treaty, allowing us the ability to ensure our countries public health in accordance and with the support of the European Union, however not by force. Lastly, we want to strongly emphasize the fallacy of conditioning much-needed financial grants to the adherence to the EU rule of law.