

# European Scrutiny Committee

House of Commons, London, SW1A 0AA

Tel (020) 7219 3292 Email [escom@parliament.uk](mailto:escom@parliament.uk) Website [www.parliament.uk/escom](http://www.parliament.uk/escom)

From: Sir William Cash MP

2 July 2020

Edward Argar MP  
Minister for Health  
Department of Health and Social Care  
39 Victoria Street  
London SW1H 0EU

## **COM (2020) 405: Proposal for a Regulation on the establishment of a Programme for the Union's action in the field of health –for the period 2021-2027 (“EU4Health Programme”) (41321)**

We have considered your Explanatory Memorandum of 19 June 2020 on the above proposal and have noted several matters on which further information from you would be helpful.

We take no position on whether the UK should seek to participate in this Programme, but we are keen to ensure that the Government's position is adequately explained.

You reject participation on two grounds: the size of the budget and the impact on areas which “fall under UK competence”.

Concerning the size of the proposed budget, we note that this is yet to be agreed and nor is there yet a decision on the method of calculating UK contributions to any EU programmes. If the size of the budget, rather than the Programme itself, is problematic, why are you not waiting until the budget and UK calculation mechanism are agreed before taking a final decision?

Concerning the impact on areas which you identify as falling “under UK competence”, notably health systems and health infrastructure, we would welcome a more detailed articulation of your concerns. The Commission is clear in its document that the Programme is designed to support the work of Member States (or participating third countries) rather than control that work and, of course, the UK would be under no obligation to participate in any aspect of the Programme with which it did not feel comfortable.

We note that your EM did not identify any potential benefits from UK participation and does not distinguish between the Programme's support for individual countries and its support for cooperation between countries. To make an adequate assessment of your position, we do need you to provide a more granular analysis of the Programme, explaining any advantages or disadvantages of UK engagement in each aspect of the Programme. This should include an assessment of both the potential for joint procurement (Article 10) and the eleven suggested areas for Eligible Actions (Article 13) as set out in Annex 1 of the proposal.

You appear to support some of the objectives of the Programme but consider that the UK national interest would be better served by pursuing them through other mechanisms. Those that you cite are: domestic efforts; collaboration with international partners; and "other elements of the future relationship negotiations". By way of example, you say, the UK wants to continue to cooperate with the EU on medicines regulations and health security issues. We require further information from the Government on the detail of these alternative ways of collaborating and why either a) they would be preferable to participation in the Health Programme or b) why they and participation in the Programme are mutually exclusive.

Finally, we would be interested to know if you received any feedback from the devolved administrations, notably Northern Ireland where cross-border work on matters relating to health is of particular relevance. We are less confident than you that there is no interaction between the Programme and the Northern Ireland Protocol given the potential use of the Programme to support countries in their implementation of EU health legislation. As Northern Ireland is required to implement some EU health legislation, it seems at least possible that the potential to be involved may be helpful to Northern Ireland in meeting its ongoing regulatory alignment obligations. In consequence, there does appear to be interaction between the proposal and the Protocol, although not of a binding nature. We would welcome your reflections on our observations and whether you continue to be categorically of the view that there is no interaction between the Programme and the Protocol.

We would welcome a response to this letter within ten working days and look forward to being able to scrutinise your position more accurately in the light of that additional information.

We are copying this letter to Rt Hon. Hilary Benn MP, Chair of the Committee on the Future Relationship with the EU and Gordon Clarke, Clerk of the Committee; Simon Hoare MP, Chair of the Northern Ireland Affairs Committee and Nicholas Beech, Clerk of the Committee; Rt Hon. Jeremy Hunt MP, Chair of the Health and Social Care Committee and Huw Yardley, Clerk of the

Committee; the Earl of Kinnoull, Chair of the EU Select Committee in the House of Lords and Christopher Johnson, Clerk of the Committee; your Departmental EU Scrutiny team; and Les Saunders and Donald Harris in the Cabinet Office.

**CHAIR**