

Draft Article 176e on Public Health

A high level of human **physical and mental** health protection shall be ensured in the definition and implementation of all Community policies and activities.

Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human 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.**

2. The Community shall complement the Member States' action in reducing drugs-related health damage, including information and prevention. **It shall in particular encourage cooperation between the Member States to improve the complementarity of their health services in cross-border areas.**

The Community shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action, **in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.**

Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.

4. **By way of derogation from Article [2(5)] and Article [6(a)] and in accordance with Article [4(2) (k)],** the Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall contribute to the achievement of the objectives referred to in this article through adopting **in order to meet common safety concerns:**"

(a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;

(b) ~~by way of derogation from Article 37,~~ measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;

(c) ~~incentive measures designed to protect and improve human health, excluding any harmonisation of the laws and regulations of the Member States.~~ **measures setting high standards of quality and safety for medicinal products and devices for medical use.**

5. **The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Committee of the Regions and the Economic and Social Committee, may also adopt incentive measures designed to protect and improve human health and in**

particular to combat the major cross-border health scourges, measures concerning monitoring, early warning of and combating serious cross-border threats to health, and measures which have as their direct objective the protection of public health regarding tobacco and the abuse of alcohol, excluding any harmonisation of the laws and regulations of the Member States.

(6) The Council, acting by a qualified majority on a proposal from the Commission, may also adopt recommendations for the purposes set out in this article.

~~(7) Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care. In particular, measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.~~
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