The Ambassador

Geneva, 13 July 2007

Excellency,

I have the honour to send herewith three Declarations of the Presidency of the Council of the European Union on the reservation of the Governments of the United States of America, Turkey and India, respectively, concerning the International Health Regulations.

Please accept, Excellency, the assurances of my highest consideration.

Francisco Xavier Esteves
Permanent Representative of Portugal

H. E. Dr. Margaret Chan
Director-General of the
World Health Organization
Geneva
DECLARATION OF THE PRESIDENCY OF THE COUNCIL OF THE
EUROPEAN UNION (EU) ON THE RESERVATION OF THE
GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING
THE INTERNATIONAL HEALTH REGULATIONS

The Permanent Mission of the Republic of Portugal presents its compliments to the
World Health Organization and refers to the International Health Regulations (2005)
adopted in Geneva on 23 May 2005. Portugal has the honour of making, in its role as
the current holder of the EU Presidency, on behalf of the European Community (EC)
and its 27 Member States, the following declaration in relation to the reservation
submitted by the Government of the United States of America on 13 December 2006.

The International Health Regulations (IHR) are a very effective tool for reinforcing
the connection between the surveillance systems and in establishing rapid reaction
mechanisms. The EC and its 27 Member States have strongly supported the revised
IHR, which recently came into force, and we will continue this support for the
implementation of the IHR in full and without restrictions.

The EC and its 27 Member States of the EC take note of the above mentioned
reservation and declare that they understand it to mean that, in accordance with the
principle that a Party may not invoke the provisions of its internal law as justification
for its failure to perform its international obligations, this reservation in no way
intends to question the obligations stemming from the IHR. The EC and its 27
Member States understand that the Federal Government of the United States of
America fully recognises those obligations and that it will exercise every effort to
ensure that the provisions of the IHR are fully implemented and given full effect by
the pertinent authorities in the United States of America.

The Permanent Mission of the Republic of Portugal presents its compliments to the World Health Organization and refers to the International Health Regulations (2005) adopted in Geneva on 23 May 2005. Portugal has the honour of making, in its role as the current holder of the EU Presidency, on behalf of the European Community (EC) and its 27 Member States, the following declaration in relation to the statement notified by the Government of Turkey on 14 December 2006.

The International Health Regulations (IHR) are a very effective tool for reinforcing the connection between the surveillance systems and in establishing rapid reaction mechanisms. The EC and its 27 Member States have strongly supported the revised IHR, which recently came into force, and we will continue this support for the implementation of the IHR in full and without restrictions.

The EC and its 27 Member States take note of Turkey’s intention to implement the provisions of the IHR in accordance with the Convention regarding the regime of the Straits, signed at Montreux on 20 July 1936.

The EC and its 27 Member States understand the desire of the Turkish authorities to respect their international obligations, such as the Montreux Convention regarding traffic in the Straits. In this respect they would like to refer to Article 57 of the IHR, which provides that States parties recognize that the IHR and other relevant international agreements should be interpreted so as to be compatible. The provisions of the IHR shall not affect the rights and obligations of any State party deriving from other international agreements.

Concerning the reference made by Turkey to internal legislation which has no direct bearing on the implementation of the IHR, the EC and its 27 Member States understand that Turkey will ensure that the application of its internal legislation fully
respects the letter and spirit of the IHR and the regime of freedom of navigation in the
Straits as established by the Montreux Convention.

The Permanent Mission of the Republic of Portugal presents its compliments to the World Health Organization and refers to the International Health Regulations (2005) adopted in Geneva on 23 May 2005. Portugal has the honour of making, in its role as the current holder of the EU Presidency, on behalf of the European Community (EC) and its 27 Member States, the following declaration in relation to the reservation submitted by the Government of India on 14 December 2006.

The International Health Regulations (IHR) are a very effective tool for reinforcing the connection between the surveillance systems and in establishing rapid reaction mechanisms. The EC and its 27 Member States have strongly supported the revised IHR, which recently came into force, and we will continue this support for the implementation of the IHR in full and without restrictions.

The EC and its 27 Member States understand the willingness of the Government of India to apply strong measures in order to keep the territory of India free of yellow fever. The EC and its 27 Member States recognise the challenges in ensuring the surveillance and the protection of such a large territory, considering the existence of factors (e.g. presence of aedes) which may facilitate the spread of contamination.

The EC and its 27 Member States nevertheless expect that this reservation will be implemented in a reasonable way, considering the potential unnecessary interference it could have with international traffic and trade from the largest part of the geographical territory of the EC in the case of a yellow fever outbreak in an outermost region of the EU or in a non-European part of a Member State of the EC (e.g. Guyana, Antilles). The fact that the Government of India considers yellow fever to be a notifiable disease should not trigger disproportionate control measures.

The commitment of the EC and its 27 Member States to ensure the rapid and comprehensive implementation of the IHR will reinforce the measures already implemented to maintain the whole territory of the EC free of yellow fever.