
Report of the fifth meeting of the Working Group on Amendments to the International Health Regulations (2005)

1. The fifth meeting of the Working Group on Amendments to the International Health Regulations (2005) (WGIHR) was held from 2 to 6 October 2023 in a hybrid format under the leadership of Dr Abdullah Asiri of Saudi Arabia and Dr Ashley Bloomfield of New Zealand as Co-Chairs, with the following Vice-Chairs: Dr Sultani Matendehero of Kenya, Mr Colin McLiff of the United States of America, Ambassador François Rivasseau of France and Ambassador Achsanul Habib of Indonesia.

2. In accordance with the Working Group's decision on webcasting and participation of relevant stakeholders, agenda items 1, 2, 5 and 6, and the first part of agenda item 3, were considered in open sessions that were webcast.¹ The first part of agenda item 3 included an "open round" where relevant stakeholders had the opportunity to share their views on the proposed amendments to be considered during the meeting. The second part of agenda item 3 along with agenda item 4 were reserved for the drafting group and were considered in closed sessions.

3. Following the adoption of the agenda² and programme of work,³ the Co-Chairs provided an update on articles considered at previous meetings of the WGIHR and further discussed at intersessional briefings. Member States were then invited to provide updates on articles considered at previous meetings of the WGIHR and during the intersessional period.

4. The Co-Chairs provided an update on coordination with the Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (INB). They reported that two joint INB and WGIHR briefing sessions had been held since the fourth meeting of the WGIHR in July 2023. The first joint briefing had been on the public health alert – public health emergency of international concern (PHEIC) – pandemic continuum, including definitions, criteria and the process for determining each, and had been held on 12 September 2023. The second joint briefing had been on the financing landscape for public health emergencies and had been held on 27 September 2023. The WGIHR recognized that the two topics were extremely important to the INB and WGIHR processes and both Bureaus would continue to work closely with the Secretariat to propose a way forward, taking the proposals of WGIHR members into account.

¹ Document A/WGIHR/2/8 Rev.1.

² Document A/WGIHR/5/1.

³ Document A/WGIHR/5/2.

5. The Co-Chairs noted that, in reference to decision WHA75(9) (2022), it appeared unlikely that the package of amendments would be ready by January 2024. In that regard, the Working Group agreed to continue its work between January and May 2024. The Director-General will submit to the Seventy-seventh World Health Assembly the package of amendments agreed to by the Working Group.

6. Following an initial discussion on the proposed amendments held in an open session, the Working Group transitioned into a drafting session and proceeded with a discussion on proposed amendments related to the following topics:

- Part IV. Points of entry – Article 19 General obligations;
- Part V. Public health measures, including:
 - Chapter I. General provisions – Article 23 Health measures on arrival and departure;
 - Chapter II. Special provisions for conveyances and conveyance operators – Article 24 Conveyance operators, Article 27 Affected conveyances and Article 28 Ships and aircraft at points of entry; and
 - Chapter III. Special provisions for travellers – Article 31 Health measures relating to entry of travellers – Annex 3 Model Ship Sanitation Control Exemption Certificate/Ship Sanitation Control Certificate and Annex 4 Technical requirements pertaining to conveyances and conveyance operators.
- Part VI. Health documents – Article 35 General rule and Article 36 Certificates of vaccination or other prophylaxis;
- Part VIII. General provisions – Article 42 Implementation of health measures, Article 43 Additional health measures and Article 45 Treatment of personal data – Annex 6 Vaccination, prophylaxis and related certificates and Annex 8 Model of Maritime Declaration of Health;
- Part X. Final provisions – Article 56 Settlement of disputes; and
- Part I. Definitions, purpose and scope, principles and responsible authorities – Article 1 Definitions, Article 2 Purpose and scope and Article 3 Principles.

7. The drafting group subsequently considered the Co-Chairs' proposed text for several articles discussed at previous meetings of the WGIHR and during the intersessional period:

- Article 4 Responsible authorities;
- Article 5 Surveillance (paragraph 4 and new proposals for paragraph 5);
- Article 18 Recommendations with respect to persons, baggage, cargo, containers, conveyances, goods and postal parcels; and
- Part IX. The IHR Roster of Experts, the Emergency Committee and the Review Committee – Chapter II. The Emergency Committee – Article 48 Terms of reference and composition and Article 49 Procedure.

8. The drafting group also further discussed a consolidated proposal of proposed amendments, by proponent States Parties, to new Article 13A Access to Health Products, Technologies and Know-How for Public Health Response as well as Article 8 Consultation. The Working Group also received a briefing from the Secretariat on digital tools, as well as an update from the Secretariat on the public health alert – PHEIC – pandemic continuum, including definitions, criteria and the process for determining each.

9. The Working Group agreed that efforts should continue during the intersessional period, supported by the Bureau and the Secretariat, including as follows:

- discussions among the proponents of various proposed amendments, with a view to the presentation of any outcomes for the consideration of the drafting group;
- intersessional briefings and facilitated intersessional consultations, in a hybrid format and open to all drafting group members, as well as joint intersessional work with the INB at dates and times to be announced, covering articles, annexes and topics discussed during the fifth and previous meetings of the WGIHR, including those that had been the subject of intersessional work. Work would also continue on financing for public health emergencies and implementation of the International Health Regulations (2005), and the public health alert – PHEIC – pandemic continuum, including definitions, criteria and the process for determining each. The outcomes of facilitated intersessional consultations were understood not to constitute agreed text and would be made available in advance of the sixth meeting of the WGIHR in December 2023; and
- preparation, as relevant, by the Bureau, with the assistance of the Secretariat, of draft text proposals based on the discussions so far, for consideration by the Working Group at its sixth meeting, without prejudice to the status of the proposed amendments by States Parties.

10. The Working Group then considered proposals from Member States for entities to be included in Annex D and/or Annex E of document A/WGIHR/2/9. The Working Group was reminded that, ahead of the meeting, the Secretariat had invited Member States to put forward the names of additional entities to be included in those annexes. It was noted that no proposals for additional entities had been shared with the Secretariat by the deadline. The list of relevant stakeholders would remain a living document, to be updated as necessary.

11. The Working Group considered and approved its meeting report, and the Co-Chairs closed the session.

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