
STATUTORY INSTRUMENTS

2021 No. 877

The Health Security (EU Exit) Regulations 2021

PART 3

**PROCEDURES FOR ADDRESSING SERIOUS
CROSS-BORDER HEALTH THREATS**

Interpretation

8. In this Part—

“the Communications Protocol” means the UK Focal Point Communications Protocol, being the protocol for bringing the UK public health agencies into permanent communication with one another in order to facilitate the prevention and control of serious cross-border health threats⁽¹⁾ as amended by the Committee from time to time;

“public health measure” means a decision or an action taken which is aimed at preventing, monitoring or controlling the spread of diseases or contamination, combating severe risks to public health or mitigating their impact on public health.

Preparedness and response planning

9.—(1) The UK authorities must consult each other with a view to coordinating their efforts to develop, strengthen and maintain their respective capacities for monitoring, early warning and assessment of, and response to, serious cross-border health threats (“preparedness and response planning”).

(2) Any consultation under paragraph (1) must aim to—

- (a) enable the sharing of best practice and experience in preparedness and response planning;
- (b) promote the interoperability of preparedness and response planning across the United Kingdom;
- (c) address the intersectoral dimension of preparedness and response planning across the United Kingdom; and
- (d) support the implementation of core capacity requirements for surveillance and response as referred to in Articles 5 and 13 of the IHR.

(3) Where a relevant Minister or a UK public health agency is substantially revising preparedness and response planning within the part of the United Kingdom for which it is responsible, it must inform the other UK authorities in a timely manner of the main aspects of their revisions that are relevant to the objectives referred to in paragraph (1).

⁽¹⁾ <https://www.gov.uk/government/publications/international-health-regulations-2005-uk-national-focal-point-communications-protocol>. A hard copy can be obtained from the Department of Health and Social Care, UK Health Security Team, 39 Victoria Street, London SW1H 0EU.

Alert notification

10.—(1) Each UK public health agency must, in accordance with the Communications Protocol, alert the UK focal point of any serious cross-border health threat.

(2) The alert notified under paragraph (1) must—

(a) specify whether the threat—

- (i) is unusual or unexpected for the given place and time;
- (ii) causes or may cause significant morbidity or mortality in humans;
- (iii) is growing rapidly or may grow rapidly in scale; or
- (iv) exceeds or may exceed national response capacity; and

(b) be notified without delay and in any event no later than 24 hours from the time when the UK public health agency concerned first became aware of that threat.

(3) When notifying an alert under paragraph (1), the UK public health agency concerned must provide the UK focal point with any available relevant information in their possession that may be useful for coordinating the response including—

- (a) the type and origin of the agent;
- (b) the date and place of the incident or outbreak;
- (c) the means of transmission or dissemination;
- (d) toxicological data;
- (e) detection and confirmation methods;
- (f) public health risks;
- (g) public health measures implemented or intended to be adopted by the UK authority in the part of the United Kingdom concerned;
- (h) any measures other than public health measures adopted or intended to be adopted in the part of the United Kingdom concerned; and
- (i) any personal data necessary for the purpose of contact tracing.

(4) Following the notification of an alert under paragraph (1) or a notification from the UK focal point under regulation 13(2), each UK public health agency must, in accordance with the Communications Protocol and for the duration of the threat, share with the UK focal point all relevant and available information relating to that threat which it has obtained from its monitoring activities.

(5) Where an alert is notified under paragraph (1), the UK public health agency notifying the alert may produce jointly with the UK focal point a risk assessment of the potential severity of the health threat, including possible public health measures.

(6) Any risk assessment produced under paragraph (5) must, for the purpose of coordinating a response from across the United Kingdom, be made promptly available to the other UK public health agencies.

(7) Where a UK public health agency is also the UK focal point, the power in paragraph (5) may be exercised by the risk assessment being produced jointly by the persons responsible for the exercise of its functions as a UK public health agency and the persons responsible for the exercise of its functions as the UK focal point.

(8) In paragraph (3)(i), “contact tracing” means measures implemented in order to trace persons who have been exposed to a source of a serious cross-border health threat and who are in danger of developing, or have developed, a disease arising from that threat.

Coordination of response

11.—(1) Following the notification of an alert under regulation 10(1) or a notification from the UK focal point under regulation 13(2), the UK authorities must, where requested by a relevant Minister or a UK public health agency, consult each other with a view to—

- (a) coordinating efforts to make appropriate responses within the United Kingdom to any serious cross-border health threat;
- (b) developing the nature of the response by the Secretary of State to the serious cross-border health threat—
 - (i) for the purposes of regulation 13; or
 - (ii) where there is an event which may constitute a public health emergency of international concern under the IHR;
- (c) developing appropriate risk and crisis communication, to be adapted to the needs and circumstances of the relevant part of the United Kingdom, aimed at providing consistent and coordinated information to the public and to healthcare professionals.

(2) Where the UK authorities consult each other under paragraph (1), they must do so on the basis of the available information, including the information referred to in regulation 10(3) and (4) and any risk assessment referred to in regulation 10(5), and in accordance with the Communications Protocol.

(3) Where a relevant Minister or a UK public health agency intends to adopt in the part of the United Kingdom for which it is responsible public health measures to combat a serious cross-border health threat, it must, before adopting those measures, inform and consult the other UK authorities on the nature, purpose and scope of the measures, unless the need to protect public health is so urgent that the immediate adoption of the measures is necessary.

(4) Where a relevant Minister or a UK public health agency adopts as a matter of urgency public health measures in the part of the United Kingdom for which it is responsible in response to a serious cross-border health threat, it must, immediately upon adoption, inform the other UK authorities of the nature, purpose and scope of those measures.

Information about other serious cross-border health threats

12.—(1) This regulation applies where a UK public health agency has notified the UK focal point, in accordance with regulation 10, of a serious cross-border health threat which is not a communicable disease or a related special health matter listed in the Schedule.

(2) Following the notification of the alert, each UK public health agency must, in accordance with the Communications Protocol and for the duration of the threat, share with the UK focal point all relevant and available information relating to that threat which it has obtained from its monitoring activities.

(3) The information shared under paragraph (2) must, if available, include in particular any change—

- (a) in the geographical distribution, spread and severity of the threat concerned; and
- (b) in the means of detection of that threat.

Arrangements with the European Union under the Health Security chapter of the TCA

13.—(1) Where the UK focal point has been notified of an alert under regulation 10(1) it must, upon being satisfied that there exists a relevant threat, notify the EU focal point of that threat.

(2) Where the EU focal point has notified the UK focal point that there is a relevant threat, the UK focal point, upon being satisfied as to its existence as a relevant threat, must from that time notify each UK public health agency of that threat without delay and in any event within 24 hours.

(3) Where the UK focal point—

- (a) has notified the EU focal point of a relevant threat under paragraph (1); or
- (b) is satisfied as to the existence of a relevant threat of which notification has been given by the EU focal point under paragraph (2),

the Secretary of State may make a written request to the European Commission for access to the EWRS.

(4) Where the request in paragraph (3) is accepted, the UK focal point must provide through the EWRS any available information which may be used to assess public health risks and to coordinate public health measures in relation to the relevant threat.

(5) Where invited by the European Commission, the Secretary of State may participate in any committee (“the European Committee”) established within the European Union and composed of representatives of member States for the purposes of supporting the exchange of information and of coordination in relation to the relevant threat.

(6) The arrangements in paragraphs (4) and (5), where applicable, apply on a temporary basis, and in any event for no longer than the period that the Secretary of State or the European Commission, having consulted each other, consider necessary for the purposes of dealing with the relevant threat.

(7) If there is a change in the identity of the person designated as the UK focal point, the Secretary of State must notify the European Commission of the identity of the new UK focal point.

(8) The Secretary of State and the UK focal point must observe all applicable conditions for the use of the EWRS and the rules of procedure of the European Committee for the period of access granted in respect of the relevant threat.

(9) If the Secretary of State considers that the conditions or rules of procedure cannot be accepted, the Secretary of State may withdraw the United Kingdom’s participation in the EWRS or its participation in the European Committee, as the case may be, in respect of the relevant threat.

(10) The Secretary of State must cooperate with the European Centre for Disease Prevention and Control⁽²⁾ on technical and scientific matters of mutual interest to the United Kingdom and the European Union and, to that end, may conclude a memorandum of understanding.

(11) In this regulation—

“European Commission” means the institution of the European Union with that name⁽³⁾ and references in this regulation to the European Commission include such person or persons as the European Commission may specify by written notice to the Secretary of State;

“EU focal point” means the focal point for the European Union designated by the European Union for the purposes of Title 1 of Part 4 of the TCA and notified to the United Kingdom⁽⁴⁾;

“EWRS” means the Early Warning and Response System operated by the European Union in respect of serious cross-border health threats affecting the European Union⁽⁵⁾;

“relevant threat” means a serious cross-border health threat referred to in regulation 5(1)(a).

(2) The European Centre for Disease Prevention and Control is established by Regulation (EU) 851/2004.

(3) See Article 13 of the Treaty on European Union (OJ N C 326, 26.10.2012, p13).

(4) This is entitled “Thematic Cooperation Title I: Health Security Article 702: Cooperation on health security”. The European Commission is currently designated as the EU focal point.

(5) See Article 8 of Regulation (EC) 851/2004.