

Letter from the European Ombudsman to the Executive Director of the European Centre for Disease Prevention and Control (ECDC) on how the European Centre for Disease Prevention and Control gathered and communicated information during the COVID-19 crisis

Correspondence - 08/09/2021

Case OI/3/2020/TE - **Opened on** 24/07/2020 - **Decision on** 05/02/2021 - **Institution concerned** European Centre for Disease Prevention and Control (No maladministration found)

|

European Centre for Disease Prevention and Control (ECDC)

Dr Andrea Ammon

Executive Director

Strasbourg, 11/11/2020

Inquiry OI/3/2020/TE

Subject: How the European Centre for Disease Prevention and Control gathered and communicated information during the COVID-19 crisis

Dear Dr Ammon,

I am writing to you concerning the above inquiry, which I opened on 23 July 2020. [1]

As a first inquiry step, I asked the European Centre for Disease Prevention and Control (ECDC) to make available to my Office a range of documents to inspect. These were provided on 28 August and 14 September 2020.

Following a careful inspection of these documents, my inquiry team met with ECDC representatives by videoconference on 5 October 2020. The purpose of this meeting was for my inquiry team better to understand the context in which the ECDC operates and, in particular,



how it gathered and communicated data from (inter)national sources in the early stages of the COVID-19 crisis. During the meeting, my inquiry team asked about the ECDC's information gathering tools and its cooperation with Member States and international partners, with a focus on the transparency of the ECDC's work.

Attached to this letter, I am sending you a copy of [the meeting report \[Link\]](#), which will be published on my website.

I would like to thank the ECDC for the cooperation to date, during what is, I appreciate, a particularly challenging time.

Based on the inspection of documents and the exchanges with your staff, I have now concluded that it would be useful if the ECDC could reply to the following questions on the publication of surveys and survey results:

1. Could the ECDC please describe its general policy towards the publication of surveys and their results?
2. How, when and with whom did the ECDC share the results of its COVID-19-related surveys that were launched between January and end April 2020?
3. Have Member States requested confidential treatment of information shared with the ECDC in the context of the COVID-19 crisis (including in relation to replies sent to surveys)? If so, how did the ECDC treat confidentiality requests from Member States?

In addition, I would be grateful if the ECDC could elaborate on three points made during the meeting with my inquiry team.

First, my inquiry team asked ECDC representatives why, in their view, the results of the two surveys it conducted on laboratory shortages in March 2020 differed from the ones of the laboratory preparedness survey launched on 22 January 2020 [2] . While the January survey “*indicate[d] that European specialised laboratories are prepared for the current situation, and suggest[ed] that a more sensitive case definition than currently in use would not create an immediate bottleneck*”, [3] the March surveys revealed laboratory shortages in participating countries. Your staff explained that the differences can be explained by different aims, times (January versus March), questions, completeness of response/survey participation and type of respondents. Could the ECDC please elaborate on this point, including to what extent the indicators used in the January survey were adequately adapted to address pandemic preparedness?

Second, ECDC representatives reported that, during the pandemic, the Chinese Centre for Disease Prevention and Control was very collaborative and shared with the ECDC relevant data and information. Given that some reports [4] questioned whether the Chinese authorities demonstrated sufficient transparency towards other countries and the World Health Organisation about their experience with the virus in the early days of the pandemic, could the



ECDC please provide further information to support its assessment of the situation?

Third, ECDC representatives stated that, by reading the ECDC's rapid risk assessments (and updates thereof), it is possible for a well-informed individual to trace the evolution of its scientific assessment. Could the ECDC please illustrate this statement based on the concrete example of its assessment concerning the use of face masks in the community?

In this context, I note that the ECDC, in line with many other public health organisations, did not recommend the wearing of face masks until some time after the COVID-19 pandemic had begun. In April 2020, the ECDC published a technical report summarising the advantages and disadvantages of using face masks in the community in the COVID-19 context. [5] Today, face masks are a central element of protection measures against the virus and the ECDC promotes the appropriate wearing of masks as one of the “*fundamental elements of the public health approach to controlling transmission*”. [6] It would be helpful to know to what extent the evolution in the advice issued by the ECDC was influenced by factors other than scientific factors, including - for example - the legitimate concern about medical supply shortages for medical staff?

I would be grateful to receive the ECDC's reply to the above questions by **14 December 2020** .

Please note that I am likely to publish your reply and related enclosures. [7]

Furthermore, I consider it useful to inspect [8] the following additional documents:

- COVID-19-related surveys that the ECDC sent to Member States, including the Member States' replies to these surveys, up to mid-April 2020 (in addition to those already obtained by my Office);
- the ECDC's internal rules on confidentiality;
- a list of public access to document requests covering the period January to 23 July 2020. The list should specify for each request (i) the type of applicant, [9] (ii) the documents which the ECDC identified as falling within the scope of the request, (iii) whether access was (partially) granted or not, and (iv), if access was (partially) refused, on what basis;
- requests for public access to documents, in relation to which the ECDC identified (the results of) COVID-19 related surveys as falling within the scope of the request; and
- if available, records of weekly calls with the COVID-19 network.

I would be grateful if the ECDC could provide my Office with the above documents, preferably in electronic format, by **26 November 2020** .

Should the ECDC require any further information or clarifications, your staff can contact Ms Tanja Ehnert (tanja.ehnert@ombudsman.europa.eu) or Ms Dorien Laermans (dorien.laermans@ombudsman.europa.eu).

Yours sincerely,



Emily O'Reilly European Ombudsman

Enclosure:

- Copy of [the meeting report \[Link\]](#)

[1] The letter opening the inquiry is available at the following link:

<https://www.ombudsman.europa.eu/en/correspondence/en/130708> [\[Link\]](#)

[2] EVD-LabNet 2019 n-CoV laboratory preparedness survey.

[3] Laboratory readiness and response for novel coronavirus (2019-nCoV) in expert laboratories in 30 EU/EEA countries, January 2020. Euro Surveill. 2020;25(6):pii=2000082. <https://doi.org/10.2807/1560-7917.ES.2020.25.6.2000082>.

[4] For instance, AP, 'China delayed releasing coronavirus info, frustrating WHO' (3 June 2020), available here: <https://apnews.com/article/3c061794970661042b18d5aeaaed9fae>.

[5] ECDC, Technical Report, 'Using face masks in the community - Reducing COVID-19 transmission from potentially asymptomatic or pre-symptomatic people through the use of face masks' (8 April 2020), available here:

<https://www.ecdc.europa.eu/sites/default/files/documents/COVID-19-use-face-masks-community.pdf> [\[Link\]](#)

[6] ECDC, Rapid Risk Assessment, thirteenth update, 'Increased transmission of COVID-19 in the

EU/EEA and the UK' (23 October 2020), available here:

<https://www.ecdc.europa.eu/sites/default/files/documents/RRA-COVID-19-EU-EEA-UK-thirteenth-update-23-Oct-2020.pdf> [\[Link\]](#)

[7] If you wish to submit documents or information that you consider to be confidential, and which should not be disclosed, please mark them 'Confidential'. Such documents can be sent through secure channels, such as Ares, CIRCABC or equivalent applications. The inquiry team can be contacted beforehand, if necessary.

[8] Information gathering and inspections of documents are carried out on the basis of Article 3(2) of the Statute of the European Ombudsman (<http://www.ombudsman.europa.eu/en/resources/statute.faces#hl2> [\[Link\]](#)) and Article 4 of the European Ombudsman's Implementing Provisions:



<http://www.ombudsman.europa.eu/en/resources/provisions.faces#hl3>.

[9] Please note that I do not need to obtain the names of the applicants. Rather, I would welcome if information on the type of applicant could be provided, such as whether it is a legal or natural entity and whether it is, for example, a citizen, journalist or researcher.