

The European Commission's refusal to give public access to documents concerning the purchase of vaccines against COVID-19

Case 85/2021/MIG - Opened on 22/01/2021 - Decision on 12/05/2021 - Institution concerned European Commission (No further inquiries justified) |

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The complainant sought public access to an 'advance purchase agreement' concluded between the European Commission and a pharmaceutical company for the future purchase of a COVID-19 vaccine. The Commission initially refused to give public access, invoking an exception under the EU's rules on public access to documents and citing the need to protect the commercial interests of the pharmaceutical company concerned. The Commission then failed to reply to the complainant's request that it review its decision (an implicit refusal of access).

The Ombudsman opened an inquiry and asked the Commission to take a decision on the request. In her letter to the Commission, the Ombudsman also noted that the Commission had published the redacted version of another advance purchase agreement for vaccines, and asked for more information concerning other agreements. During the course of the inquiry, the Commission notified the Ombudsman that it has since published redacted versions of other advance purchase agreements, including the agreement at issue in this case.

Against this background, the Ombudsman closed the inquiry. However, the Ombudsman urged the Commission to keep the complainant informed about the publication of any additional document. The Ombudsman also again called on the Commission to ensure transparency requirements form part of ongoing and future vaccine negotiations, given the important public interests at stake.