



How the European Commission ensures transparency in relation to 'advance purchase agreements' negotiated with pharmaceutical companies for vaccines against COVID-19

Case 175/2021/DL - **Opened on** 29/01/2021 - **Decision on** 22/03/2021 - **Institution concerned** European Commission (No maladministration found) |

The complainant wrote to the European Commission requesting that it disclose the names of those involved in negotiating 'advance purchase agreements' with pharmaceutical companies for the purchase of a COVID-19 vaccine. The Commission disclosed the name of the Director-General negotiating on behalf of the Commission, but refused to disclose the names of the other experts and members of the 'joint negotiation team' involved in the negotiations. It stated that this was to protect their personal data and to maintain their independence in the ongoing negotiations. The Commission then failed to reply to the complainant's request that it review its decision.

The Ombudsman found that the Commission's refusal to disclose the names was in line with EU data protection rules and closed the inquiry finding no maladministration. However, she expressed regret that the Commission refused to disclose any information whatsoever concerning the experts, such as to which national administration they belong. Greater transparency about the negotiation team would help ensure true accountability about the negotiating process for COVID-19 vaccines. She thus urged the Commission to publish without delay, at the very least, the list of seven Member States represented in the negotiating team.

The Commission accepted the Ombudsman's suggestion for improvement and published on its website the list of seven Member States represented on the negotiating team.