



## Letter from the European Ombudsman to the European Commission on how the European Commission ensures transparency in relation to experts negotiating 'advanced purchase agreements' with pharmaceutical companies for vaccines against COVID-19

Correspondence - 29/01/2021

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

Mr Christian Linder

Head of Unit - C2

Secretariat-General

European Commission

Strasbourg, 29/01/2021

Dear Mr Linder,

The Ombudsman has received a complaint from an MEP against the European Commission.

The complainant is seeking public access to the contract the Commission negotiated and signed with the pharmaceutical company Astra Zeneca for the purchase of vaccines against COVID-19, as well as to the names of the persons negotiating on behalf of the EU Member States (GESTDEM 2020/5249).

As you know, last week the Ombudsman opened an inquiry into the transparency of the advanced purchase agreement with Astra Zeneca (85/2021/MIG). We note that, today, the Commission has published the agreement with some redactions. We further note the Commission's statement that it *"hopes to be able to publish all contracts under the Advance Purchase Agreements in the near future"*.



The Ombudsman very much welcomes these developments and will therefore only pursue the complainant's second access request to the names of the persons negotiating on behalf of the EU Member States.

The Commission decided to deal with this request as a 'request for information'. The Commission released the name of the Director-General negotiating on behalf of the Commission, but refused to release the names of the other steering board experts and the joint negotiation team to protect their personal data and to maintain their independence in the ongoing negotiations.

It would be helpful if the Commission could elaborate on its refusal to disclose the names of the experts. In particular, the Ombudsman would ask the Commission to consider whether disclosing some information might be feasible, such as, for example, the individuals' titles or the Member State public service to which they belong and at what level they are. Knowing that the Commission is represented by its Director-General for Health and Food Safety is already helpful and relevant. We would appreciate if the Commission could reply as soon as possible and at the latest by **19 February 2021** .

Thank you for your cooperation on this important matter.

Yours sincerely,

Rosita Hickey Director of Inquiries