

Letter from the European Ombudsman to the European Commission closing the strategic initiative SI/4/2020/PL on transparency of the EU response to the COVID-19 crisis

Correspondence - 13/04/2021

Case SI/4/2020/PL - **Opened on** 29/07/2020 - **Decision on** 13/04/2021 - **Institution concerned** European Commission |

Ms Ursula von der Leyen

President

European Commission

Strasbourg, 13/04/2021

Subject: Transparency of the EU response to the COVID-19 crisis (SI/4/2020/PL)

Dear President,

I am writing to you concerning the Commission's letter of 8 February 2021, which was in reply to my request for information of 29 July 2020. In that request, I asked for your views on several matters arising from the EU response to the COVID-19 crisis. These concerned the transparency of the Commission's interaction with interest representatives, decision-making related to emergency public procurement and the transparency and independence of scientific advice. While there are many helpful elements in the reply, I note that it was delayed by several months and that some issues remain unanswered.

Regarding the Commission's interaction with interest representatives, I take note that the Commission is now treating video conference calls as 'meetings', which is a positive development.

On the decision-making related to emergency public procurement, it remains unclear how the Commission is ensuring transparency on the appointment of the members of the different



committees, as well as their independence. Nor has the Commission thus far adequately explained how it is monitoring the use of the negotiated procedure.

Concerning the transparency and independence of scientific advice, I note that the Commission used, for the COVID-19 expert group, a declaration of absence of conflict of interest instead of the standard (more detailed) declaration of interests provided for in the applicable rules.

As I set out in my letter to you of 20 April 2020, never more so than in challenging times are these highest standards of good administration and transparency required. This helps to reassure the public that decisions taken are well founded, proportionate, and in the public interest, and that measures will be implemented properly and fairly.

I recognise that the Commission has been working hard to support national health systems and counter the impact of this pandemic. In particular, your efforts in securing vaccine doses and supporting vaccination in EU countries will be key to the EU recovery. It is for this reason that I recently called on the Commission to disclose, at the very least, the names of the seven EU Member States that, with the Commission, have negotiated the 'advanced purchase agreements' with vaccine producers. Ensuring proper accountability concerning the negotiating process for the purchase of vaccines would be in the interest of the EU.

While I have decided to close this strategic initiative, I will keep monitoring these matters. Thank you once again for having engaged so constructively on these important issues.

Yours sincerely,

Emily O'Reilly

European Ombudsman