

Comments of the Commission on a suggestion for improvement from the European Ombudsman
- Complaint by M [REDACTED] (MEP), ref. 0175/2021/DL

I. BACKGROUND/SUMMARY OF THE FACTS/HISTORY

On 22 March 2021, the European Ombudsman ('the Ombudsman') transmitted to the President of the European Commission her Decision in the case 0175/2021/DL, on how the European Commission ensures transparency in relation to the team responsible for negotiating 'advanced purchase agreements' with pharmaceutical companies for COVID-19 vaccines.

The Decision by the Ombudsman follows the reply of 22 February 2021 by the European Commission to the aforementioned complaint transmitted on 29 January 2021 by the Ombudsman to the Commission pursuant its refusal to disclose the names of the experts negotiating on behalf of the EU Member States the contracts with the pharmaceutical company Astra Zeneca for the purchase of COVID-19 vaccines.

In her letter, the Ombudsman informs the Commission of her decision to close the case on the conclusion that, given EU data protection law, there was *no maladministration* by the European Commission.

In addition, the Ombudsman makes the following suggestion for improvement to the Commission: *"The Ombudsman maintains that greater transparency as regards the negotiations are necessary. She strongly suggests that the Commission publish the list of seven Member States represented on the joint negotiation team."*

The Ombudsman invites the Commission to inform her by 30 April 2021 of any action it has taken in relation to her suggestions for improvement.

II. THE COMMISSION'S COMMENTS ON THE OMBUDSMAN'S SUGGESTIONS FOR IMPROVEMENT

The Commission has informed the Members of the Joint Negotiation Team on the decision to disclose the names of the Member States, which are represented in this forum and published the information on the Commission website.

The Commission has also disclosed the Members in the framework of more recent access to documents requests.

III. CONCLUSIONS

The Member States represented on the joint negotiating team are: **France, Germany, Italy, Poland, Spain, Sweden, The Netherlands**. The Commission published this information on its website¹.

For the Commission
Janusz Wojciechowski
Member of the Commission



¹ https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/safe-covid-19-vaccines-europeans/questions-and-answers-covid-19-vaccination-eu_en#negotiations