

Committee on the Environment, Public Health and Food Safety
The Chair

CM/sp
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Commissioner Stella KYRIAKIDES
European Commission
Health and Food Safety
200, rue de la Loi
BE - 1049 Brussels

Subject: Need for increased transparency on the Advance Purchase Agreements concluded with vaccine producers

Dear Commissioner,

On 17 June 2020, the Commission published its Communication on an EU Strategy for COVID-19 vaccines (COM(2020) 245 final). From the very beginning, Parliament has welcomed this strategy and the Commission's dedication to supporting efforts to accelerate the development and availability of safe and effective vaccines in a much shorter timeframe than usually through the Advance Purchase Agreements. We also support the fact that an Emergency Support Instrument (ESI) was used to finance this process and to develop a portfolio of potential vaccines with different profiles produced by different companies.

On 10 July 2020, the European Parliament adopted its resolution on the EU's public health strategy post-COVID-19. In that resolution, the Parliament called on the Commission, the Member States and global partners "to ensure rapid, equal and affordable access for all people worldwide to future COVID-19 vaccines". Moreover, the Parliament called on the Commission and Member States "to incorporate collective safeguards in favour of the public regarding public funding, such as transparency, accessibility and affordability clauses and non-exclusive licences for the exploitation of the final products, in all current and future calls for funding and investment".

We have followed with interest all publicly available news about the results of the negotiations to conclude Advance Purchase Agreements with vaccine producers reserving or giving the Member States the right to buy a given number of vaccine doses for a certain price, as and when a vaccine becomes available. Until now, two contracts with pharmaceutical companies have been signed, one with AstraZeneca and the other with Sanofi-GSK, while the Commission is discussing similar agreements with other vaccine manufacturers, such as Johnson & Johnson, CureVac, Moderna and BioNTech. Different exchanges of views with you and with Director-General Sandra Gallina, have given us a more general understanding of the issues at stake.

On 22 September, the ENVI and the ITRE committees organised a joint public hearing on "How to secure access to COVID-19 vaccines for EU citizens: clinical trials, production and distribution challenges". Several of the top managers of the companies mentioned above

participated as speakers, together with representatives from civil society, the research community and the European Medicines Agency. During this hearing, Members repeatedly requested more transparency with regard to the contracts concluded with industry.

Against the backdrop of the significant EU funding already committed to the creation of a portfolio of potential vaccines, and the high number of transparency demands, not only from Members of Parliament, but also from EU citizens, I would like to convey the message, on behalf of a majority of coordinators, that the ENVI committee expects the Commission, the Member States and the pharmaceutical companies involved to increase the level of transparency with regard to the contracts concluded. The minimum would be that following provisions in the contracts are made public:

- the cost structure for the production of the various vaccines, and the prices to be paid,
- the production locations,
- the intellectual properties arrangements, including any arrangements linked to non-exclusive licensing,
- the liability and indemnification linked to any damage caused by a vaccine, and
- access to the vaccine.

In this context, we would also like to recall our request that the European Medicines Agency should publish the data used for clinical trials in due time.

I call on the Commission officially to support this request, which might require also the consent of the other parties to the contracts. We remain fully committed to supporting the Commission in its efforts to accelerate the development and availability of safe, effective and affordable vaccines for all citizens.

Yours sincerely,

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the left.

Pascal Canfin