

September 15 2020

Dear Secretariat General,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

- all reports (and other notes) from meetings of the Vaccines Procurement Steering Committee and the Joint Negotiation Team (JNT) with representatives of pharmaceutical companies about Advance Purchase Agreements (APAs) and the purchase of potential vaccines against COVID-19.
- all correspondence (including emails and their attachments) between the Vaccines Procurement Steering Committee and the Joint Negotiation Team (JNT) and representatives of pharmaceutical companies (including Sanofi-GSK, Johnson & Johnson, CureVac, AstraZeneca, Moderna and others) about Advance Purchase Agreements (APAs) and the purchase of potential vaccines against COVID-19.
- a list of all the above-mentioned documents (including dates, names of participants/senders/recipients and their affiliation, subject of meeting/correspondence).

There is a clear public interest in disclosure of these documents. The transparency rules as set out in the Lisbon Treaty oblige the EU institutions to work as openly and as closely as possible to citizens. There is clearly a lot at stake for EU citizens in the vaccine deal negotiations. Citizens have the right to know about these negotiations that are happening on their behalf, involving billions of euros of public money to be spent for the development of vaccines.

Secrecy around the negotiations about the vaccines, moreover, may undermine public confidence in the EU and its handling of the pandemic, but also in the vaccines themselves (with negative consequences for public health beyond the current pandemic).

Blanket confidentiality cannot be the rule for the negotiations about the Covid19 vaccine contracts. Price and other sorts of confidentiality covering commercial aspects of these contracts cannot preclude transparency, for instance around negotiations about liability and other provisions with clear implications for patient safety and the protection of public health.

The currently negotiated contracts for potential covid19 vaccines differ from usual medicines procurement deals. Considerable amounts of public money and public guarantees are invested into the R&D and manufacturing process through the signature of advance purchase agreements between the European Commission and individual pharma companies. APAs essentially constitute insurance policies paid for by taxpayers' money which amongst other guarantee losses sustained by pharma developers. Governments commit in advance to shouldering the cost of certain liabilities sustained by pharma companies throughout the R&D process; by doing so they de-risk it and become co-developers. This makes the need for transparency and public accountability around the negotiations even stronger.

Please note that there is also a clear public interest in the release of the names of the members of the Joint Negotiation Team (JNT). The public has the right to know who is negotiating on the EU's behalf. Knowing the names of the negotiators is a pre-condition for assessing potential conflicts of interest.

Yours sincerely,

Olivier Hoedeman
on behalf of Corporate Europe Observatory (CEO)
Rue d'Edimbourg 26,
1050 Brussels, Belgium
Tel. +32 (0)2 893 0930

15 Septyember 2020

Dear Sir,

Thank you for your e-mail of 15/09/2020. We hereby acknowledge receipt of your application for access to documents, which was registered on 15/09/2020 under reference number GESTDEM 2020/5436.

In accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, your application will be handled within 15 working days.

The time limit will expire on 06/10/2020. In case this time limit needs to be extended, you will be informed in due course.

You have lodged your application via a private third-party website, which has no link with any institution of the European Union. Therefore, the European Commission cannot be held accountable for any technical issues or problems linked to the use of this system.

Please note that the private third party running the AsktheEU.org website is responsible and accountable for the processing of your personal data via that website, and not the Commission. For further information on your rights, please refer to the third party's privacy policy.

We understand that the third party running the AsktheEU.org website usually publishes the content of applicants' correspondence with the Commission on that website. This includes the personal data that you may have communicated to the Commission (e.g. your private postal address).

Similarly, the third party publishes on that website any reply that the Commission will send to the email address of the applicants generated by the AsktheEU.org website.

If you do not wish that your correspondence with the Commission is published on a private third-party website such as AsktheEU.org, you can provide us with an alternative, private e-mail address for further correspondence. In that case, the Commission will send all future electronic correspondence addressed to you only to that private address, and it will use only that private address to reply to your request. You should still remain responsible to inform the private third-party website about this change of how you wish to communicate with, and receive a reply from, the Commission.

For information on how we process your personal data visit our page [\[6\]Privacy statement – access to documents](#).

Yours faithfully,

ACCESS TO DOCUMENTS TEAM (GD)

European Commission

Secretariat-General

SG C.1

October 2 2020

Dear Mr HOEDEMANN,

We refer to your requests both dated 15 September 2020 in which you make a request for access to documents, both registered on the same date under the above mentioned reference numbers.

Your applications are currently being handled. However, we will not be in a position to complete the handling of your applications within the time limit of 15 working days, which expires on 06 October 2020.

An extended time limit is needed due to internal consultations and a thorough analysis of your request.

Therefore, we have to extend the time limit with 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents. The new time limit expires on 27 October 2020.

We apologise for this delay and for any inconvenience this may cause.

Yours faithfully,

SANTE ACCESS TO DOCUMENTS
European Commission
Health and Food Safety

November 6 2020

Dear Secretariat General of the European Commission,

Please pass this on to the person who reviews confirmatory applications.

We are filing the following confirmatory application with regards to our access to documents request 'The Vaccines Procurement Steering Committee & the Joint Negotiation Team' (registered on 15/09/2020 under reference number GESTDEM 2020/5436).

The Commission's deadline for responding to our access to documents request expired on 06 October 2020.

The Commission then extended the time limit with 15 working days. The new time limit expired on 27 October 2020. This is now 10 days ago (!) and we have not heard anything from the Commission about the delayed response.

A full history of our request and all correspondence is available on the Internet at this address:

[https://www.asktheeu.org/en/request/the ...](https://www.asktheeu.org/en/request/the...)

Yours faithfully,

Olivier Hoedeman

on behalf of Corporate Europe Observatory (CEO)

Rue d'Edimbourg 26,

1050 Brussels, Belgium

<http://www.corporateeurope.org>

November 6 2020

Dear Sir,

Thank you for your email dated 06/11/2020 by which you request, pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents, a review of the position taken by DG SANTE in reply to your initial application GESTDEM 2020/5436.

We hereby acknowledge receipt of your confirmatory application for access to documents which was registered on 06/11/2020 (Ares(2020)6426066).

Your application will be handled within 15 working days (27/11/2020). In case this time limit needs to be extended, you will be informed in due course.

Please be informed that the answer to your confirmatory application is a formal Commission decision that will be notified to you by express delivery. Thank you for providing your contact phone number, so that the external delivery service can contact you in case of absence.

Please note that the Commission will not use your phone number for any other purpose than for informing the delivery service, and that it will delete it immediately thereafter.

Yours faithfully,

Access to documents team (RC)

November 13 2020

Dear ve_sg.accessdoc (SG),

important clarification: rather than "a review of the position taken by DG SANTE", I want the Commission to act on the excessive delay in responding to my access to documents request application GESTDEM 2020/5436. DG SANTE did not take any position yet, but failed to respond within the deadlines outlined in regulation 1049/2001.

Responding that my "application will be handled within 15 working days (27/11/2020)" only makes things worse (adding yet another three weeks delay before getting a response / receiving the documents).

Yours sincerely,

Olivier Hoedeman

on behalf of

Corporate Europe Observatory (CEO)

Rue d'Edimbourg 26,

1050 Brussels, Belgium

November 27 2020

Ares(2020)7142196 - Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2020-5436 - 1st holding letter

Dear Mr Hoedeman,

We refer to your email of 6 November 2020, registered on the same day, by which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents^[6]^[1] ("Regulation (EC) No 1049/2001").

Your confirmatory application is currently being handled. Unfortunately, we have not yet been able to gather all the elements needed to carry out a full analysis of your request and to take a final decision. Therefore, we are not in a position to reply to your confirmatory request within the prescribed time limit which expires on 18 December 2020.

We apologise for this delay and for any inconvenience this may cause but we would like to assure you that we will do our utmost to provide you with a reply as soon as possible.

Yours sincerely,

María OLIVÁN AVILÉS
Head of Unit

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European Commission

Secretariat General

Unit C.1 (Transparency, Document Management and Access to Documents)

December 18 2020

Ares(2020)7726566 - Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2020/5436 - 2nd holding letter

Dear Mr Hoedeman,

We refer to your email of 6 November 2020, registered on the same day, by which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents^[6]^[1] ("Regulation (EC) No 1049/2001"). We also refer to our holding letter of 27 November 2020.

Your confirmatory application is currently being handled. Unfortunately, the internal consultations are still ongoing in relation to your request. Therefore, we are not in a position to reply to your confirmatory request within the prescribed time limit which expires on 18 December 2020.

We apologise for this delay and for any inconvenience this may cause but we would like to assure you that we will do our utmost to provide you with a reply as soon as possible.

Yours sincerely,

María OLIVÁN AVILÉS
Head of Unit

European Commission

Secretariat General

Unit C.1 (Transparency, Document Management and Access to Documents)