



## European Ombudsman

Directorate of Inquiries

Corporate Europe Observatory (CEO)  
represented by Olivier Hoedeman

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Strasbourg, 22/01/2021

Joint complaints 85/2021/MIG and 86/2021/MIG

**Subject of case:** The European Commission's refusal to give public access to documents concerning the purchase of vaccines against COVID-19

Dear Mr Hoedeman,

On 11 January 2021, you submitted two complaints to the European Ombudsman on behalf of Corporate Europe Observatory. Your complaints concern two requests for public access to: the advance purchase agreements for the procurement of COVID-19 vaccines, which the Commission signed with pharmaceutical companies, and to other documents related to the negotiations with the pharmaceutical companies (such as meeting reports).

As a first step, I can inform you that your complaints are admissible and that we will pursue them in the context of one inquiry.

The Commission has identified one document pertaining to one of your access requests, namely the advance purchase agreement signed with Astra Zeneca in September 2020. It refused to give public access to this document, relying on the need to protect the commercial interests of Astra Zeneca and the need to protect its procurement procedure. You consider that there is an overriding public interest in the disclosure of the agreement and would like the Commission to release at least parts of the document.

Concerning your second access request to other documents related to the vaccine negotiations, the Commission has not identified any document, nor has it taken a decision. It has therefore implicitly refused access.

On the Ombudsman's behalf and in an effort to deal with the matter as quickly as possible, we have already contacted the Commission. This is in line with the principle, set out in public access rules, that applications for access to documents should be handled promptly. At this stage, our focus will be on the documents to which the Commission (implicitly) refused to give public access, as well as the absence of confirmatory decisions in relation to both requests. Please note that, in our letter to the Commission, we asked it to take account of



its recent decision to disclose - with only limited redactions - the agreement it signed with *CureVac*.

I will get back to you as soon as I am in a position to update you on the progress of the case, hopefully by the end of this month.

If you have any questions, please feel free to contact the case handler, Michaela Gehring, at the following telephone number: +32 2 28 33418 or on [michaela.gehring@ombudsman.europa.eu](mailto:michaela.gehring@ombudsman.europa.eu).

Yours sincerely,

Rosita Hickey  
Director of Inquiries