

Mr Koen Lenaerts  
*President of the Court of Justice of the European Union*

Brussels, 29/03/2021

**Re: Participation of AG Pitruzzella in an industry led event**

Dear Mr President,

The Italian newspaper *Domani*<sup>1</sup> last week reported that Advocate General Giovanni Pitruzzella participated in an event on vaccine patents co-hosted by a pharmaceutical industry lobby group (see article attached). The event - an online roundtable on March 22 2021 - was hosted by the **Aspen Institute Italy**<sup>2</sup> in cooperation with *Farindustria*<sup>3</sup>, the Italian pharmaceutical sector lobby group.

AG Pitruzzella was a speaker in the seminar titled “Protection and enhancement of intellectual property” (our translation from Italian), in which he was announced as Vice-President of Aspen Institute Italy and Advocate General of the European Court of Justice (ECJ). Other panelists were Mrs Sandra Gallina (EU’s chief vaccines negotiator and Director-General of the Commission DG SANTE) and Mr Massimmo Scaccabarozzim, the president of *Farindustria*. A background paper by the Aspen Institute Italy on intellectual property rights was presented. *Domani* reported that the online meeting, to which some MEPs were also invited as listeners, was carried out behind closed doors and with a request to keep the contents confidential.

The participation of MEPs (as listeners) arguably makes the seminar a lobbying event, aimed at influencing EU decision-making on intellectual property rules for vaccines. As *Domani* pointed out, the topic of intellectual property rules for vaccines is a much-debated, controversial topic in Europe today due to the COVID-19 pandemic and the scarcity of vaccines in Europe and the rest of the world. Numerous civil society groups are calling upon the EU to support developing country government calls for activating emergency clauses under the WTO’s TRIPS agreement in order to enable temporary waivers of copyright and patents on vaccines and treatments. As some related litigation might ensue in the coming weeks and months, the possibility exists that Giovanni Pitruzzella might be called upon to play a role as Advocate General in these cases.

On this background, we would like to express our concerns about AG Pitruzzella’s participation as a panelist in the Aspen Institute / Farindustria event. Participating in an industry-led seminar of this kind, arguably a lobbying event, seems inappropriate for a Member of the Court. Article 3 of the

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<sup>1</sup> <https://www.editorialedomani.it/politica/europa/Gallina-negoziatrice-ue-vaccini-nasconde-incontri-lobby-r9w62sz4>

<sup>2</sup> Aspen Institute Italia entry in EU Transparency Register:

<https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=216091637394-12>

<sup>3</sup> Associazione delle Imprese del farmaco (Farindustria) entry in EU Transparency Register:

<https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=986523914777-31>

ECJ's Code of Conduct obliges Members of the Court to "not act or express themselves, through whatever medium, in a manner which adversely affects the public perception of their independence, their integrity or the dignity of their office". In particular, Article 7(3) of the Code imposes on members the duty "to act and express themselves with the restraint that their office requires". In turn, Article 8 clarifies that "Members may engage in external activities only if they are compatible with their duties arising under Articles 2 to 4, 6 and 7". We believe AG Pitruzzella's participation as a panelist in the Aspen Institute / *Farminindustria* event may have adversely affected public perception of his independence.

Members of the Court must request prior authorisation for participation "in activities of European interest that relate, inter alia, to the dissemination of EU law". We would be grateful for clarification as to whether this happened and if so, whether any recommendations were made for ensuring that AG Pitruzzella's participation in the event was in full accordance with the Code of Conduct. As this situation might repeat itself, we would equally ask you to clarify whether AG Pitruzzella has been authorised by the Court to sit on the Executive Committee of Aspen Institute Italy<sup>4</sup> and to serve as its Executive Vice-Chairman.<sup>5</sup>

Yours sincerely,



Olivier Hoedeman  
*Corporate Europe Observatory*



Alberto Alemanno  
*The Good Lobby*

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<sup>4</sup> Executive Committee Members, Aspen Institute Italia <https://www.aspeninstitute.it/en/institute/aspen-community/executive-committee>

<sup>5</sup> Aspen Institute Italia, Governing Bodies: <https://www.aspeninstitute.it/en/institute/aspen-community/governing-bodies>