

Comments on the European Commission's reply regarding complaint 2206/2021/MIG

We welcome the announcement in the Commission's reply that "a fourth and final batch will be provided to the applicant in May 2022" and we are pleased that this has indeed happened on May 31st. This fourth batch of the 365 documents identified that fall within the scope of our request is made up of 275 documents. See:

https://www.asktheeu.org/en/r/20bb654d-ba46-42e1-bc25-1e2809b209d2/response/37651/attach/17/Partially%20positive%20fourth%20batch%202020%205436%20and%202021%200559%20FINAL%202022%204349699.pdf?cookie_passthrough=1

At the same time we believe it should not have taken 20 months for these documents to be assessed and (partially) released. Of course we fully recognise that the pandemic created more difficult circumstances, but that does not justify such an extreme departure from the normal timelines for public access to documents. It can also be argued that the extraordinary situation – a global pandemic and the need to secure universal access to COVID-19 vaccines in order to end the pandemic - makes timely transparency about EU decision-making even more important than at other times.

Zooming in on the fourth batch of documents, we note that seven of these documents are fully disclosed, that access is refused to 31 documents, and that the remaining 237 documents are partially disclosed. While some documents are only slightly redacted, far too many of the documents are very heavily redacted. This makes public scrutiny of the EU's COVID-19 vaccine negotiations very difficult, if not impossible. It is our opinion that many of the documents are excessively redacted. Considering that the documents are about negotiations that are long completed and vaccine doses that have been delivered a long time ago, it should be possible to publish these documents with far less heavy redactions.

On this background it is important that the Commission has also promised that it would "proactively re-assess documents that it considered cannot be disclosed in full and that it would remove redactions, when they were no longer deemed necessary." We applaud that this has now happened (to some extent) for the redacted vaccine contracts, but it remains unclear in how far this will happen to the other documents.

The European Commission wrote us (closing letter dated June 16 2022) that they now consider the case closed. We believe this is a premature conclusion. We would suggest that the European Commission should at the very least clarify its commitment to publish new, far less redacted versions of documents. We would like to suggest that the Ombudsman seeks a firm commitment from the Commission to do this and with a clear timeline for when this will happen.

Finally, we remind that the Commission promised to "fully or partially disclose and publish the documents" and that these "will be made progressively available online on the Commission's website as well." The Commission's reply does not specify where on the Commission's website this will happen. We are aware of the Commission's website where the redacted contracts are published:

https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/public-health/eu-vaccines-strategy_en#documents

This website, however, does not include any of the other documents covered by our requests. We would be grateful for a clarification about where on the Commission's website the rest of the 365 documents will be published and the timeline for this to happen.