



EUROPEAN COMMISSION  
EUROPEAN HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AUTHORITY

The Director-General

Brussels  
HERA.3/JK

Mr. Martin Thür  
ORF  
Würzburggasse 30  
1136 Wien  
Austria

***By email only:***  
ask+request-9238-  
19f486cf@asktheeu.org

**Subject: Your application for access to documents – GESTDEM 2021/1821**

Dear Mr Thür,

We refer to

- your request for access to European Commission documents registered on 24 March 2021 under the above-mentioned reference number;
- our email of 19 April 2021 extending the time limit to respond to your request in accordance with Article 7(3) of Regulation (EC) No 1049/2001;
- your email of 27 May 2021, registered on the same day, by which you submit a confirmatory application in accordance with Article 7(4) of Regulation (EC) No 1049/2001, registered under reference number above;
- our email of 17 June 2021 extending the time limit to respond to your confirmatory request in accordance with Article 8(2) of Regulation (EC) No 1049/2001
- our holding reply of 08 July 2021.

We present our apologies for the late response to your request.

**1. SCOPE OF YOUR REQUEST**

You request access to:

*“- all times and dates of meetings of the Vaccines Procurement Steering Committee from*

*June 1st 2020 till today*

- the names of all participants from all member states for each individual meeting*
- all invitations for all meetings of the steering committee*
- all reports (and other notes) from meetings of the Steering Committee, including the agendas for all meetings*
- all e-mails and internal documents between member states and the commission regarding the participation and decisions made by the steering committee”.*

## **2. IDENTIFICATION AND ASSESSMENT OF THE DOCUMENTS**

We consider your request to cover documents held up to the date of your initial application, i.e., 24 March 2021, and identified 128 documents falling within the scope of your request referred to above under the first, third, forth and fifth bullet point.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that the documents listed in the table mentioned above may be partially disclosed. Some parts of the documents have been blanked as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) and Article 4(2) of the Regulation.

## **3. REASONS FOR PARTIAL DISCLOSURE**

### *a. Protection of the privacy and integrity of individuals- Article 4(1)(b) of Regulation (EC) No 1049/2001*

With regard to the documents you request access to, a full disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact details of natural persons;
- other information relating to an identified or identifiable natural person, such as professional background, role etc.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

*b. Protection of the commercial interests of a legal person - Article 4(2), first indent, of Regulation (EC) No 1049/2001*

Minutes of the meetings contain references to commercially sensitive information related to the development, production, fill and finish, delivery of COVID-19 vaccines, as well as scientific information on the vaccines, their prices, the schedule to deploy them, the production capacity of vaccines manufacturers, their know-how, business strategies, and other information carrying a commercial value for commercial companies, whose full disclosure would undermine the protection of the legitimate interests of companies. This information is covered by the exception of the protection of commercial interest (Article 4(2), first indent of Regulation (EC) No 1049/2001).

These documents were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Health and Food Safety. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

#### **4. REASONS FOR REFUSAL**

In your request, you ask for *the names of all participants from all member states for each individual meeting*.

We regret to inform you that we are unable to provide you with this information.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

#### **5. OVERRIDING PUBLIC INTERESTS**

The exceptions to the right of access provided for in Article 4(2) and Article 4(3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested document. In your application you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden and we could not identify any such ground either.

In these circumstances, I have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

## 6. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

**by asking for a review via your portal <sup>(1)</sup> account** (available only for initial requests submitted via the portal account),

**or by mail:**

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

**or by email to:** [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Pierre DELSAUX

Enclosure: List of documents ; documents

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<sup>(1)</sup> <https://www.ec.europa.eu/transparency/documents-request>