EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

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By registered letter
with acknowledgment of receipt[1]

Mr Alvaro Merino

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Spain

Advance copy by email:
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Dear Mr Merino,

Subject: Your applications for access to documents – GESTDEM 2020/5416, 2020/5428, 2020/5426 and 2020/5600

We refer to your e-mails dated 14 September 2020 in which you make requests for access to documents, both registered on 15 September 2020 under GESTDEM 2020/5416 and 2020/5428.

We also refer to our letters of 02 October 2020 extending the time limit to respond to the above mentioned requests, according to Article 7(3) of Regulation (EC) No 1049/2001.

We also refer to your reply to our clarification request of 23 October 2020.

Furthermore, we refer to your e-mails dated 14 September 2020 in which you make requests for access to documents, registered on the 22 September under GESTDEM 2020/5426 and 2020/5600.

We also refer to our letter of 12 October 2020 extending the time limit to respond to the above mentioned requests, in accordance with Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

In your requests, you ask, on the basis of Regulation (EC) No 1049/2001[2], access to:

[1] According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

2 Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

GESTDEM 2020/5416 and 5428

'*a) Meeting records (drafts, memos, invitations, appointments, cancellations) involving AstraZeneca, Sanofi-GSK, Johnson & Johnson, CureVac and Moderna officials and/or representatives.*

b) Correspondence exchanged with AstraZeneca, Sanofi-GSK, Johnson & Johnson, CureVac and Moderna officials and/or representatives, including all emails, minutes, reports, briefing papers or any other document received or drawn up before, during or after any meeting or conversation.'

In your reply to our clarification request you specified "*In my request I do refer to meetings and correspondence on Covid-19 vaccines and both meetings held individually with each company and collectively with all of them*".

GESTDEM 2020/5426 and 5600

'Documents in which the decision of reaching a first agreement with the pharmaceutical company AstraZeneca to purchase a potential vaccine against COVID-19 is based. Also, documents reflecting the output/conclusions or drawn up after the exploratory talks with Sanofi-GSK, Johnson & Johnson, CureVac and Moderna.'

2. Identification and assessment of relevant documents

We have identified 280 documents that fall within the scope of your request.

You will find attached a table listing the identified documents.

In an effort to ensure as complete as possible transparency of the process for the purchase of COVID-19 vaccines, we started discussions with vaccines manufacturers involved in that process about the possibility to disclose APAs concerning such purchase.

You might be aware that those efforts have already borne some fruits. Following consultations with CureVac AG on the public disclosure of a redacted version of their agreement with the European Commission for the purchase of COVID-19 vaccines, the decision was taken to make a redacted version thereof available on a webpage of the European Commission:

https://ec.europa.eu/info/files/curevac-redacted-advance-purchase-agreement_en

It was further decided to make a redacted version of the agreement with AstraZeneca AB and with Sanofi Pasteur SA and Glaxosmithkline Biologicals SA available on the following webpages.

https://ec.europa.eu/info/sites/info/files/apa_astrazeneca.pdf

https://ec.europa.eu/info/files/sanofi-gsk-redacted-advance-purchase-agreement_en

We are progressing with the assessment of the other documents included in the attached list in view of their disclosure. Such assessment includes, in relation to some documents, the consultation of third parties concerned and has not been concluded yet. Therefore, we are not in the position to attach a copy of those documents to our reply.

As soon as the assessment is concluded for each document or group of documents, should it result in a decision to fully or partially disclose and publish the documents, the latter will be made progressively available on a Commission webpage.

You will be informed in due course of the outcome of the ongoing assessment of the documents falling under the scope of your request and of the decision that will be taken regarding disclosure and publication of each of the documents.

In all cases where documents are only partially released or published because full disclosure would undermine the protection of one of the interests referred to in Art 4 of Regulation 1049/2001, should the interest in question cease to warrant the protection afforded by that provision, the Commission will review and adjust the corresponding redactions as needed. As a consequence, the released version of the relevant documents will be replaced with a more recent one with fewer redactions.

I trust that you will appreciate the complexity of the task undertaken by the Commission and the sensitivity of the assessment, which prevents the Commission to respond within the deadlines set out by Regulation 1049/2001.

Yours sincerely,

Sandra GALLINA

Director-General

Enclosure: Annex with the list of documents