

President Ursula von der Leyen,  
Secretary General Ilze Juhansone,  
European Commission  
Rue de la Loi / Wetstraat 200  
1049 Bruxelles  
Belgium

Brussels, January 20th 2021

Object : request for access to documents - Advance Purchase Agreements for COVID 19 vaccines

Dear President von der Leyen,  
Dear Secretary General,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, we hereby request access to the different contracts - advanced purchase agreements- signed between the Commission and the pharmaceutical companies for the purchase of COVID 19 vaccines.

We understand that the contracts signed are so far the ones with AstraZeneca, Sanofi-GSK, Johnson and Johnson, BioNTech-Pfizer, CureVac and Moderna. Therefore, we would like to request access to these contracts, as well as to those that might be concluded after our request such as the one with Novavax.

There is a clear public interest in disclosure of these documents and it is the right of European citizen's representatives to access them, considering that a total of € 2,85 billion of public money have been spent on behalf of European citizens. It is especially important that we can have a clear understanding of : the cost structure of production of the different vaccines, how the advanced public money was used by the companies, the prices to be paid - not officially revealed - , the production sites, the number of doses to be delivered per quarter, the agreements relating to intellectual property, including any agreement relating to a non-exclusive licence, the liability and compensation for any damage caused by a vaccine, and the clauses regarding access to vaccine in Europe, but also in line with Europe's commitment to find a global response to this pandemic and to promote access to and exchange of know-how for COVID 19 treatments in third countries.

From our understanding of the redacted contract that has been made accessible and now published, it may be the case that European taxpayers' money will be used to reimburse the producing company if it has to pay for damage to citizens due to adverse effects of the vaccine. Unfortunately, the decisive paragraph is completely redacted. In our opinion, this is prone to create mistrust and even disinformation

The transparency rules as set out in the Lisbon Treaty oblige the EU institutions to work as openly and as closely as possible to citizens. However, the Commission did not demonstrate good will in the application of the principle of good cooperation with the European Parliament, when overseeing many times our request to know more about the COVID 19 vaccines contracts and our call to make them public. The disclosure of a redacted version of the CureVac contract was not satisfactory as the elements listed above were not visible or incomplete.

We recognize the success of the signature of the COVID 19 vaccines contracts and we welcome the Commission's efforts to ensure that all EU citizens will have access to a vaccine. This is a great success for the European Union and showed that cooperation was key in the management of this pandemic. However, we regret the secrecy around the negotiations of the advanced purchase agreements. The lack of information is undermining citizens' confidence in the action of the European institutions. In the past, such secrecy had long-term effects on citizens' confidence in political action and we must do everything we can to be exemplary.

As representatives of citizens, it is our role and right to scrutinize the action of the European public institutions. We therefore ask you to send us the signed advance purchase agreements as soon as possible. Private companies are not entitled to dictate what citizens should or should not know when public money has been used to conclude these deals. This is not how democracy works and we believe we should stand together to defend this principle.

Yours sincerely,

Tilly Metz  
Margrete Auken  
Ville Niinistö  
Jutta Paulus  
Michèle Rivasi  
Kim van Sparrentak