



EUROPEAN COMMISSION
EUROPEAN HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AUTHORITY

The Director-General

Brussels
HERA.3/JK

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Subject: Your confirmatory request for access to documents Gestdem 2021/0526

Dear Mr Pérez Sangiao,

We refer to your confirmatory request for access to European Commission documents registered on 6 September 2021 under the above-mentioned reference number. We also refer to our letters of 28 September and 18 October 2021.

We present our apologies for the late reply.

1. Scope of your request

You request access to the documents which contain the following information:

- *Solicito la copia de todos y cada uno de los contratos o procedimientos similares a través de los cuales la Comisión Europea haya comprado vacunas contra el coronavirus a las distintas farmacéuticas. Solicito que se me incluyan los contratos para la compra de todas y cada una de las vacunas que se hayan acordado, ya sea la de Pfizer, la de Moderna, la de Johnson and Johnson, la de AstreZeneca o cualquier otra.*
- *Solicito también que se me indique por cuánto dinero se ha comprado o acordado la compra de cada dosis a cada farmacéutica. Si en distintos momentos se ha comprado o acordado la compra de dosis por un precio distinto con la misma farmacéutica solicito que también se me desglose detallando el precio en cada fecha y la cantidad de dosis compradas a cada precio.*
- *Solicito también el documento de acuerdo entre los Estados miembros para repartirse las dosis compradas de cada vacuna contra el coronavirus, donde se indica cuántas dosis le tocan a cada estado y los criterios del reparto.*

- *Solicito también los documentos de los repartos finales de las vacunas compradas indicando cuántas dosis ha acabado quedándose o comprando cada país. Del mismo modo, solicito también los acuerdos donde se refleja qué países deben revender vacunas a otros países como podrían ser Andorra o San Marino.*

Translation in English:

- Please provide copies of each and every contract or similar procedure via which the European Commission has purchased coronavirus vaccines from the various pharmaceutical companies. Please include all contracts entered into for the purchase of each and every one of the vaccines, be it the Pfizer, Moderna, Johnson & Johnson, AstraZeneca or any other vaccine.
- Please also indicate to me the purchase price paid or agreed for each dose from each pharmaceutical company. If different purchase prices per dose have been paid to or agreed with the same pharmaceutical company at different times, please provide me with a breakdown detailing the price on each date and the number of doses purchased at each price.
- In addition, please provide the document recording the agreement between Member States as to the distribution of the purchased doses of each coronavirus vaccine and setting out the number of doses to be allocated to each country and the distribution criteria.
- Please also provide documents that indicate the final distributions of vaccines, stating how many doses each country ultimately received or purchased. Likewise, please provide the agreements indicating which countries are required to resell vaccines to other countries such as Andorra or San Marino.

2. Identification and assessment of the documents

We consider your request to cover documents held up to the date of registration of your confirmatory application, i.e., 6 September 2021, and identified 32 documents falling within the scope of your request.

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

Having examined the documents requested 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 under numbers 1 to 21 may be partially disclosed. They are enclosed to this letter.

The documents under numbers 22 to 31 were partially disclosed to the public and are freely accessible on the [official website of the European Union](#). 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. Document number 32 is fully available on the same website.

As regards potential agreements for the resale of Member States to third countries, please note that such agreements are concluded between the two parties directly.

3. Reasons for partial disclosure

- 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

The documents 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).

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents, disclosed free of charge and for non-commercial and commercial purposes, provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

4. Overriding public interests

The exceptions to the right of access provided for in Article 4(2) 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 make general reference to the public interest in the protection of the right to health, without however specifying why and how this right would be affected by the non-disclosure. You did therefore 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, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

5. 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 to the Secretariat-General of the Commission 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 portal¹ 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

Yours faithfully,

Pierre DELSAUX

Enclosure: List of documents and documents number 1 – 21 from this list

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