



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate E - Citizens, Health, Migration & Security Union
The Director

Brussels
SG.E.4/CA

Sarah Anne Aarup
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1000 Brussels, Belgium

Sent by email:
[ask+request-11656-
c95cb3f6@asktheeu.org](mailto:ask+request-11656-c95cb3f6@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2022/4369

Dear Ms Aarup,

We refer to your e-mail of 29 July 2022 in which you make a request for access to documents, registered on 29 July 2022 under the reference number above.

You request access to documents that contain information on meetings & correspondence with pharmaceutical representatives on the TRIPS waiver, specifically:

(i) a list of meetings attended by President Ursula von der Leyen or her team (including her cabinet and related staff) with representatives of Pfizer, BioNTech, Moderna, AstraZeneca, GSK, Sanofi, or Merck since 1 September 2020;

(ii) minutes and any other records of these meetings;

(iii) all correspondence (including emails) between President von der Leyen or her team (including her cabinet and related staff) and representatives of Pfizer, BioNTech, Moderna, AstraZeneca, GSK, Sanofi, or Merck since 1 September 2020 regarding intellectual property, patents, or the proposed TRIPS waiver at the WTO.

Please note that:

- all meetings attended by President von der Leyen are published online <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=c8e208ad-7dc2-4a97-acc9-859463c69ec4>
- all meetings attended by President von der Leyen's Cabinet members are published online <http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=acabb6af-0317-4a5a-a788-d0b0218dfecd>
- all meetings attended by Secretary-General Ilze Juhansone are published online <https://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=394df231-6f63-43a1-ac2f-a5c6c2aea0b7>

Your application concerns the following documents:

1. Ares(2022)3624193 Report - meeting between the President von der Leyen's Cabinet and US Chamber of Commerce on WTO matters held on 5 May 2022 (document 1).
2. Ares(2021)3403887 Letter from Merck to President von der Leyen on waiving IP rights dated 20 May 2021 and the accompanying email dated 21 May 2021 (documents 2 and 3)
3. Ares(2021)4677777 Reply of the President von der Leyen's Cabinet to letter from Merck from on waiving IP rights dated 20 July 2021 (document 4).

A complete disclosure of the above-mentioned identified documents 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 information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Based on the information available, the country of your residence / your international organisation is recognized by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that 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, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access is not granted to the personal data contained in the requested documents, 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. Therefore, such personal data has been redacted.

Please note that document 1 was drawn up for internal use under the responsibility of the relevant member of staff and document 4 is a reply to a third party written under the responsibility of the relevant member of EC staff. Both documents solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which was not consulted on their content. They do not reflect the position of the Commission and cannot be quoted as such.

In addition, documents 2 and 3 originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-signed)
William SLEATH