



## EUROPEAN COMMISSION

DG Competition

Directorate E - Basic industries, Manufacturing and Agriculture  
Antitrust: Pharma and Health Services

Samuel Stolton  
Bloomberg  
International Press Centre  
Boulevard Charlemagne 1  
Brussels, 1000

*By email:*

[ask+request-12953-186a5476@asktheeu.org](mailto:ask+request-12953-186a5476@asktheeu.org)

**Subject: Your application for access to documents EASE 2023/2728 - STOLTON, Samuel  
Ref. DG COMP on EU Vaccine contracts**

Dear Mr. Stolton,

We refer to your request for access to European Commission documents registered on 8 May 2023 under the above-mentioned reference number and to our email dated 26 May 2023 regarding the additional time required to reply to your request.

You request access to “*any documentation from DG COMP regarding the EU's acquisition of COVID-19 vaccines. This documentation should include but not be limited to: general communications of any nature, written material of any kind, consultation notes, email correspondences, attendance lists, agendas, background papers, briefing papers, transcriptions of meetings, readouts of meetings, summaries of meetings, briefings for meetings, etc.*”. We understand that you are referring to the Purchase Agreements on vaccines against COVID-19 and Sars-Cov-2 variants announced by the Commission in 2021.

### **1. IDENTIFICATION OF THE DOCUMENTS**

After examination of the files of the DG COMP, the following documents related to the agreements have been identified as matching the terms of your request:

- Email from DG COMP to DG SANTE dated 29 April 2021 9:09 PM, confirming DG COMP's agreement in ISC/2021/03588 with attachment (draft Commission decision on approving a purchase agreement on vaccines against COVID-19 and Sars-Cov-2 variants, launched on 29 April 2021 by DG SANTE, with comments from DG COMP).
- Positive opinion from DG COMP to DG SANTE ISC/2021/05769 dated 21 June 2021, 11:59 PM (draft Commission Decision on approving an Amendment to a Purchase Agreement on vaccines against COVID-19 and Sars-Cov-2 variants launched on 21 June 2021 by DG SANTE).
- Positive opinion from DG COMP to DG SANTE ISC/2021/07279 dated 02 August 2021, 1:17 PM (draft Commission Decision approving an Advanced Purchase Agreement on COVID-19 (SANTE/10950/2021) launched on 30 July 2021 by DG SANTE).
- Positive opinion from DG COMP to DG SANTE ISC/2021/07365 dated 15 September 2021, 3:28 PM (draft Commission Decision approving an Amendment to a Purchase Agreement on vaccines against COVID-19 and Sars-Cov-2 variants (SANTE/2021/10952) launched on 14 September 2021 by DG SANTE).

- Positive opinion from DG COMP to DG SANTE ISC/2021/07366 dated 23 August 2021, 11:59 PM (draft Commission Decision approving an Amendment to a Purchase Agreement on vaccines against COVID-19 and Sars-Cov-2 variants launched on 21 August 2021 by DG SANTE).
- Positive opinion from DG COMP to DG SANTE ISC/2021/10454 dated 9 November 2021, 11:55 AM (draft Commission Decision approving an Advance Purchase Agreement on COVID-19 Vaccines launched on 08 November 2021 by DG SANTE).
- Email from DG COMP to the Italian consumer association CODACONS dated 22 January 2021, 6:59 PM.
- Email from DG COMP to the Italian consumer association CODACONS dated 6 May 2021, 1:14 PM.

## 2. ASSESSMENT

After a concrete assessment of the documents, I am pleased to inform you that access can be granted under Regulation (EC) No 1049/2001.

You may reuse the documents disclosed free of charge provided that the source is acknowledged and that you do not distort the original meaning or message of it. Please note that the Commission does not assume liability stemming from the reuse.

However, with regard to the documents listed above, a complete disclosure of the identified document 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.

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 cannot be 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.

The above-mentioned documents are therefore disclosed to you in redacted form i.e. without the names/initials and contact information of Commission staff members not pertaining to the senior management.

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 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 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,

*e-Signed*

Anna VERNET

Head of Unit

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