Covid-19 vaccine/ CC0 Hakan Nural

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Press release | 17.07.2024

Greens/EFA welcomes ECJ ruling on access to COVID vaccine contracts

Today, the European Court of Justice (ECJ) issued its ruling on the lawsuit filed by five Greens/EFA MEPs requesting access to documents related to the joint purchases of Covid vaccines. The lawsuit was filed in 2021 following the Commission's repeated refusal to provide the public with anything but heavily redacted versions of the Covid-19 vaccine purchase agreements arguing with commercial confidentiality. The Greens/EFA Group welcome that today's ruling clarified that the Commission unduly refused access to certain elements in the contracts. The Court annulled the Commission's decision and found that the Commission did not demonstrate sufficiently inter alia why access to key provisions such as on indemnification for any vaccine-related damages and on donations and resales of vaccines would undermine commercial interests.

Kim van Sparrentak, one of the Greens/EFA MEP who filed the lawsuit, comments:

"We are happy the court ruled the Commission did not give sufficiently wide access to the purchase agreements. In its ruling today, the ECJ acknowledged the importance of proper justifications with regard to any claims on undermining commercial confidence. The Commission's automatism to claim confidentiality for just about everything relevant in the contracts was rejected. Any such claims can and should only be made where it can be demonstrated that public access could actually and specifically undermine those commercial interests.

"It is important that the court has confirmed the importance of transparency as it is fundamental in the fight against vaccine scepticism and citizens' mistrust of public institutions. This ruling is significant for the future, as the Commission is expected to undertake more joint procurements in areas like health and defence. The new Commission must now adapt their handling of access to documents requests to be in line with today's ruling."

More:
The court case was initiated by Greens/EFA MEPs Kim van Sparrentak, Tilly Metz, Jutta Paulus, Margrete Auken and Michele Rivasi.

The core argument of the case centres on the Commission's repeated refusal to provide Members of Parliament with anything but heavily redacted and thus largely incomprehensible versions of the Covid-19 vaccine purchase agreements. Greens/EFA demanded information inter alia about the price of the

vaccine's unit, advance payments, liability for side effects and indemnification, resale and donations, challenging commercial confidentiality for those or arguing with overriding public interest. During the pandemic, transparency on contracts had been asked by Parliament as a whole, but only the members of the Greens/EFA took the Commission to court over this.

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